

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



February 13, 2002

ALL COUNTY LETTER 02-17

TO: COUNTY WELFARE DIRECTORS
FOOD STAMP COORDINATORS**REASON FOR THIS TRANSMITTAL**

- ☐ State Law Change
- ☒ Federal Law or Regulation Change
- ☐ Court Order
- ☐ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

SUBJECT: IMPLEMENTATION OF OFFICE OF MANAGEMENT AND BUDGETS
APPROVED REGULATIONS THAT WERE INCLUDED IN NONCITIZEN
ELIGIBILITY AND CERTIFICATION PROVISIONS-FINAL FEDERAL
REGULATIONS OF NOVEMBER 21, 2000, EFFECTIVE MARCH 1, 2002

REFERENCE: ALL COUNTY LETTER 01-24, MANUAL OF POLICY PROCEDURES
(MPP) SECTIONS 63-102, 63-300, 63-301, 63-503

The purpose of this letter is to provide County Welfare Departments (CWDs) with initial information and implementation instructions for the Noncitizen Eligibility Certification Provisions (NECP) regulations that were subject to Office of Management and Budgets (OMB) approval. OMB approved changes to (NECP) regulations to become effective no later than 180 days after (OMB) approval. These changes are being implemented through emergency regulations and are effective March 1 2002, for all new applicants. Implementation for ongoing food stamp households must be no later than the next recertification following March 1, 2002.

SUMMARY OF CHANGES**Interviews**

- **MPP 63-300.4 and .45** - No households are required to report for an in-office interview during their certification period, though the CWD may request households to do so. Households will still have the requirement of an annual face to face interview. Interviews may be conducted at the food stamp office or other mutually acceptable location, including the household's residence. CWDs must take into consideration the needs of households with special circumstances, including working households, people who are disabled, have transportation problems, etc.

- **MPP 63-300.45(a), 63-301.32, and .34** - If the applicant household misses the initial interview, the CWD must notify the household via a Notice of Missed Interview (NOMI), DFA 386, that the household is responsible for rescheduling another appointment. The CWD can no longer deny a household before the 30th day of application for missing an initial interview. A (NOMI) must first be issued to the applicant before denial can take place on the 30th day.

A NOMI can be combined on a denial notice only at recertification. The 30-day requirement does not apply when the household attends the interview, but fails to provide verification. After being given a ten-day denial notice the household can be denied prior to the 30th day.

- **MPP 63-300.45(b) and (c)** - If the household misses its first scheduled interview, and the household requests a second interview within 30 days of the application date and is determined eligible, the CWD must issue prorated benefits from the date of application. If the household misses the 2nd interview, a notice of denial must be issued no earlier than the 30th day following the date of application.

Request for Information

MPP 63-300. 51(b) - During the certification period, the CWD will now be required to issue a notice, DFA 387, to recipient households requesting they provide verification or clarification of household circumstances that are unclear prior to issuing a notice of termination. The procedure for contacting the household for clarification of information is as follows:

- If the CWD receives unclear information from a third party, or the household itself, the CWD must first notify the household of the verification required, or actions it must take to clarify the household's unclear circumstances. The household must be given at least ten-days to respond, either by telephone or in writing.
- The notice must include the consequences for failure of the household to respond. If the household does not respond within the ten-day time frame, or refuses to provide sufficient information to clarify its circumstances, the CWD must send a notice of action to terminate food stamp benefits.

The Request for Information procedure does not change the monthly reporting process.

Indigent noncitizen

MPP 63-503.492 -The new provisions now provide guidelines for determining indigence for sponsored noncitizens for the purpose of deeming the sponsor's income. To determine if a sponsored noncitizen meets the definition of indigence, the total of the

actual income received from the sponsor and others and the value of any in-kind income cannot exceed the 130 percent of poverty limit for the family's size. If the sponsored noncitizen is determined indigent, only the actual income received from the sponsor and others, plus any in-kind income is counted as income in the food stamp budget.

Once determined indigent, the regular process to deem the sponsor's income and resources is suspended for a 12-month period, which is renewable at the end of that period.

Reporting Indigence to the Attorney General

MPP 63-503.492 - The final federal rule at 7CFR 273.4(c) (3)(IV) requires CWDs to report each indigent determination to the Attorney General by providing the name of the sponsor and the sponsored noncitizen. Counties must send this information to the following address:

Attorney General
U.S. Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530-0001

There is currently no specific procedures provided by the Department of Justice regarding the format or the frequency of the report. The Department is continuing to attempt to get clarification on how this reporting is to be done. Until further clarification is obtained, counties have discretion on determining how to report the occurrence of indigency and how frequently it will be reported.

Informing Sponsored Noncitizen and Sponsor

The CWDs are required to inform the sponsored noncitizen, either verbally or in writing at the time indigence is determined that their name and the sponsor's name will be reported to the Attorney General. Informing the sponsor is also required if administratively possible, for example if the whereabouts of the sponsor are known.

FORMS

The appropriate forms have been created or revised to meet the requirements for the notice of missed interview. The Notice of Missed Interview, DFA 386, is to be used by counties to notify households of a first missed interview. The Request for Information, DFA 387, is to be used by counties to notify households they have to provide verification or

clarification of household circumstances that are unclear. The DFA 377.1A, Notice of Denial or Pending Status, has been revised due to the changes to the missed interview and denial procedures in MPP 63-300.4. The first check box statement on this form, "Your household's application for Food Stamps has been/will be denied because:", has been amended to read, "Your household's application for Food Stamps has been denied because:". Copies of the new forms are provided with Attachment B.

Camera Ready Copies and Translations:

For camera-ready copies of English and Spanish forms, please call the Forms Management Unit (FMU) at (916) 657-1907 or CALNET at 437-1907. If your office has Internet access, you may obtain these forms from the California Department of Social Services (CDSS) web page at: <http://www.dss.cahwnet.gov>. To accommodate agencies without Internet access, copies will be available by contacting the FMU.

Your Forms Coordinator now receives all translations as soon as they become available if your county is on the Language Translation Services (LTS) mailing list. All translated messages in Russian and Chinese versions of the forms will follow shortly.

Please call LTS at (916) 675-3429 if your county does not receive the Russian and Chinese translations.

QUALITY CONTROL

Counties will be held harmless from Quality Control (QC) errors for a period of 120 days from the effective date of these regulations.

CONTACTS

If you have any questions or comments regarding this letter, please contact Robert Marlow, Food Stamp Program Bureau, Policy Implementation Unit, at (916) 654-1898. If you have any questions regarding the draft regulations attached please contact LeAnne Torres at (916) 654-2135.

Sincerely,

Original document signed by

BRUCE WAGSTAFF
Deputy Director
Welfare to Work Division

Enclosures



ATTACHMENT A

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

FOOD STAMP BRANCH

Amend Section 63-102 to read:

63-102 DEFINITIONS (Continued)

63-102

(i) (1) (Continued)

(6) “Indigent Noncitizen” means a sponsored noncitizen ~~who, in the absence of the assistance provided by the agency, would go hungry and homeless, taking into account the noncitizen’s own income plus any cash, food, housing, or other assistance provided by other individuals, including the sponsors~~ whose own income, the cash contributions from the sponsor and from others, including the value of any in-kind assistance the sponsor and others provide is not more than 130 percent of the poverty income guideline for the household size. (Continued)

(n) (4) (Continued)

(5) “Notice of Missed Interview (NOMI)” means a notification to the household that it missed its first scheduled interview and that the household is responsible for rescheduling the missed interview within 30 days of the application date. (Continued)

(r) (10) (Continued)

(11) “Request for Information (RFI)” means a notification given to the household, prior to the CWD taking any adverse action, that clearly advises the household of verification and clarifications it must provide within 10 days of the request to the CWD.

(s) (Continued)

Authority Cited: Sections 10553, 10554, and 18904, Welfare and Institutions Code.

Reference: Sections 10554, 10830, 11486.5 and 18930 through 18934, Welfare and Institutions Code; 8 U.S.C.A. Section 1522(e); 42 U.S.C.A. 601, et seq.; and 42 U.S.C.A. 5122; 7 CFR 272, 7 CFR 272.4(f); 7 CFR 273, 7 CFR 273.1(c)(5); 7 CFR 271.2; 7 CFR 273.2, 2(e), (3), .2(j), (j)(4), and (v)(2)(i)(B); 7 CFR 273.4(a)(3)(ii) and (iv), .4(c), (c)(2), (c)(3)(iv), and (e)(3)(iv); 7 CFR 273.5(a); 7 CFR 273.8; 7 CFR 273.9(c)(1)(ii)(D); and (c)(11)(i) and (ii); 7 CFR 273.11(a)(2)(iii); 7 CFR 273.12(c)(3); and 7 CFR 273.12(e); 7 CFR 273.16(c); 7 CFR 273.18(a)(1)(ii); 7 CFR 273.18(e)(3)(v), (e)(5)(v) and (n)(1)(i); 7 CFR 273.21(b); 7 CFR 274.3(a)(2); 7 CFR 2710.2; 45 CFR 401; 45 CFR 400.62; Public Law (P.L.) 100-77, Section 802; (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal. Feb. 1, 1990) [Dock. No. CV-89-0768]); Section 66011, Education Code; P.L. 102-237, Section 902; 7 U.S.C.

2014(c)(2)(B) and (k)(2)(F); 7 U.S.C. 2022(b)(4); 8 U.S.C. 1631; U.S.D.A. Food and Nutrition Service Administrative Notices 94-39, 97-44, and 98-56; Hamilton v. Madigan (9th Cir. 1992) 961 F.2d 838; Food Stamp Act Section 6(k)(1); P.L. 104-193, Sections 272, 273, 805, 821, and 827 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); Federal Register Vol. 59, No. 224, dated November 22, 1994; ~~and~~ Federal Register Vol. 65, No. 130, dated July 6, 2000 and Vol. 65, No. 149 Corrections, dated August 2, 2000, and Federal Register, Vol. 65, No. 229, dated November 28, 2001.

Amend Section 63-103 to read:

63-103 DEFINITIONS - FORMS (Continued)

63-103

.2 Forms Listing (Continued)

d. (Continued)

(15) DFA 377.1A (rev. ~~4/88~~ 3/02) - Notice of Denial or Pending Status

The DFA 377.1A is the recommended CDSS developed form used to inform a household that their application for participation in the Food Stamp Program has been denied or is pending further action after the applicant's first missed interview. The form is also used for other purposes, such as denying a household due to failure to provide required verification needed to determine eligibility or to notify the applicant of the pending status of their application.

(16) (Continued)

(29) DFA 386 (rev. 3/02) - Notice of Missed Interview

The DFA 386 is the recommended CDSS-developed form used to notify the household that it missed its first scheduled interview and that the household is responsible for rescheduling the missed interview within 30 days of the application date. If the household does not reschedule the interview within the 30 days, the DFA 377.1 is sent to the applicant on the 30th day after the application date to deny the application.

(30) DFA 387 (rev. 3/02) - Request for Information

The DFA 387 is the recommended CDSS-developed form used to notify the household, prior to the CWD taking any adverse action, of verification and clarifications it must provide within 10 days of the request to the CWD. If the household does not respond to the request for information, the food stamp case can be terminated.

(~~29~~31) (Continued)

(~~30~~2)(Continued)

(~~31~~3)(Continued)

Authority Cited: Sections 10553 and 18904, Welfare and Institutions Code.

Reference: Sections 10553 and 18904, Welfare and Institutions Code; CFR 273.2(b)(ii), (e) and (f); and U.S.D.A. Food and Consumer Services Administrative Notice No 94-22, dated January 7, 1994, and Federal Register, Vol. 65, No. 229, dated November 28, 2001.

Amend Section 63-300 to read:

63-300 APPLICATION PROCESS

63-300

Section 63-300 applies to the application process for both the federal Food Stamp Program and the California Food Assistance Program (CFAP). (Continued)

.4 Interviews

All applicant households, including those submitting applications by mail, shall have face-to-face interviews in a food stamp office or other ~~certification site~~ mutually acceptable location, including a household's residence, with a qualified eligibility worker prior to initial certification and all recertifications except when waived as noted below. Interview requirements for PA and GA applicants are detailed in Section 63-301.6. Interviews conducted in the household's residence must be scheduled in advance with the household. The individual interviewed may be the head of household, spouse, any other responsible member of the household, or an authorized representative. The individual interviewed may bring any person he/she chooses to the interview. The interviewer shall not simply review the information that appears on the application, but shall explore and resolve with the household unclear and incomplete information and document any changes in household circumstances that have occurred between the time the application was filed and the time of the certification interview. Households shall be advised of their rights and responsibilities during the interview, including but not limited to, the appropriate application processing standard, the household's responsibility to report changes, that eligibility will be determined without discrimination, and the availability and amount of the Standard Utility Allowance (SUA). The interview is an official and confidential discussion of household circumstances with the applicant. The applicant shall be made to feel at ease during the interview and in all instances the household's right to privacy shall be respected. Facilities shall be adequate to preserve the privacy and confidentiality of the interview. The scope of the interview shall not extend beyond the examination of household circumstances which directly relate to the determination of household eligibility and basis of issuance. (Continued)

.42 Waiving the Face-to-face Interview (No Option)

The ~~office face-to-face~~ interview shall be waived if requested by any household which is unable to appoint an authorized representative and which has no household members able to come to the ~~food stamp office~~ interview because they are 65 years of age or older, or physically disabled and whose members have no earned income. The ~~office face-to-face~~ interview shall also be waived if requested by any household which is unable to appoint an authorized representative and lives in a location which is not served by a certification office.

.43 Waiving the Face-to-face Interview (Case-by-case)

The CWD shall waive the face-to-face interview and instead allow a telephone interview on a case-by-case basis for any household which is unable to appoint an authorized representative and which has no household members able to come to the ~~food stamp office~~ interview because of transportation difficulties or similar hardships which the CWD determines warrant a waiver of the ~~office~~ interview. These hardship conditions include, but are not limited to: illness, care of a household member, prolonged severe weather, or work hours which preclude an ~~in-office~~ face-to-face interview, lack of transportation, or living in a rural or remote area. The CWD shall determine if the transportation difficulty or hardship reported by a household warrants a waiver of the ~~office~~ interview and shall document in the case file why a request for a waiver was granted or denied.

.44 When the Interview is Waived

The CWD has the option of conducting a telephone interview or a home visit for those households for whom the ~~office~~ face-to-face interview is waived. Home visits shall be used only if the time of the visit is scheduled in advance with the household.
(Continued)

.45 Scheduling Initial Application Interviews

The CWD shall schedule all interviews as promptly as possible to ensure eligible households receive an opportunity to participate within 30 days after the application is filed. The special circumstances of the household, including households with working members, must be considered to the extent practicable, when interviews are scheduled. If a household misses its scheduled interview, the CWD shall send the household a ~~Notice of denial for a missed interview~~ Notice of Missed Interview (NOMI). The CWD shall reschedule if the household requests another interview within 30 days of the initial application filed.

.451 The CWD shall not deny a household's application prior to the 30th day after initial application if the household fails to appear for the first scheduled interview. A NOMI must be sent to the household reminding the household to reschedule their interview prior to the 30th day after application. Only after the NOMI is sent and the household fails to reschedule, can the CWD send a denial notice on the 30th day after application.

.452 If the household requests a second interview during the 30-day application-processing period and is determined eligible, the CWD must issue prorated benefits from the date of application.

.453 If the household fails to keep its second scheduled interview, a notice of denial must be issued no earlier than the 30th day after application.

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Example 1: The household applies on March 1 and is scheduled for an interview by the CWD on March 5. The household misses the first scheduled interview. The household is sent a NOMI and asked to reschedule their interview appointment. They reschedule within 30 days of the application date on March 10. The household keeps their March 10 appointment. The case is processed for eligibility. If eligible, the case is granted as soon as administratively possible and benefits are issued from the date of application. If the household is found to be ineligible for benefits, the case is denied on the 30th day after application.

Example 2: The household applies on April 5 and is scheduled for an interview by the CWD on April 6. The household fails to appear for the first scheduled interview. The CWD sends a NOMI as soon as administratively possible. The household reschedules a second interview within 30 days of the application date, but fails to appear. The CWD must deny the household on the 30th day following the date of application.

The NOMI process will not impact the recertification process.

HANDBOOK ENDS HERE

.4544 Scheduling Recertification Interviews

- (a) As part of the recertification process, the CWD must conduct ~~an in-office~~ face-to-face interview with a member of the household or its authorized representative at least once every 12 months for households certified for 12 months or less. The requirement for a face-to-face interview once every 12 months may be waived in accordance with Sections 63-300.42 and .43.
- (b) (Continued)
- (d) ~~If the household misses its scheduled interview and has not rescheduled before the end of the certification period, the CWD need not take further action.~~

.455 In-office Interviews During the Certification Period

CWDs may request households to report for an in-office interview during the certification period, but may not require it. If a mutually acceptable location outside the office cannot be agreed upon by the household and the CWD, the interview shall take place in the office.

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For example: the CWD may not require households to report en mass for an in-office interview during their certification period to review the household's case files or for any other reason during the certification period.

HANDBOOK ENDS HERE

.5 Verification

- (a) Verification is the use of third-party information or documentation to establish the accuracy of statements on the application. ~~Prior to determining eligibility for applicant households, sufficient information concerning the applicant's situation must be obtained in order for the EW to make an informed judgment as to the household's eligibility.~~ Verification and documentation are tools for making this judgement and recording the decision-making process in the case file. ~~The household shall be given at least 10 days from the date of request to provide required verification.~~
 - (1) Prior to determining eligibility for applicant households, sufficient information concerning the applicant's situation must be obtained in order for the EW to make an informed judgement as to the household's eligibility. The household shall be given at least 10 days from the date of request to provide required verification. If the household does not provide the needed information in the time allotted, the CWD shall issue an adverse notice of action by the 30th day following the application date.
 - (2) During the certification period, the CWD may obtain information about changes in a household's circumstances, other than information reported on the income report, through a third party or the household that the CWD cannot use to clearly determine eligibility and/or benefit amount. The CWD must pursue clarification using the following procedure:
 - (A) The CWD must issue a Request for Information (RFI) which advises the household of the verification it must provide or actions it must take to clarify the household's circumstances.
 - (B) The CWD must allow the household at least 10 days to respond or to clarify its circumstances either by telephone or by correspondence, as the CWD directs.
 - (C) If the household does provide sufficient information to clarify its circumstances, the CWD must issue a notice of adverse action to terminate the household after at least 10 days has been given to the household to respond.
 - (D) If the household responds to the RFI and provides sufficient information, the CWD must act on the new circumstances in accordance with noticing procedures for increases or decreases in benefits.

(b) (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Sections 10554, 11023.5, 11348.5, 18904, and 18932, Welfare and Institutions Code; 7 Code of Federal Regulations (CFR) 273.2(b)(ii), (c)(2)(i) and (ii), (c)(3), (c)(5), (e)(1), (e)(2), (e)(3), (f)(1)(i)(C), (ii)(B)(1), (2), (3), and (C), and (iii)(h)(1)(i)(D), and proposed (f)(1)(xii) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994, (f)(3), (f)(3)(ii), (f)(8), (h), (h)(1)(i)(D), and (j)(1); 7 CFR 273.4(a)(2) and (10) and (c)(2); 7 CFR 273.12(c) and (c)(3); 7 CFR 273.14(b)(3)(i), (iii) and (b)(4) and (e); 7 CFR 273.21(h)(2)(iv), (i), and (j)(3)(iii)(B); USDA Food and Nutrition Service Office, Western Region, Administrative Notice 84-56, Indexed Policy Memo 84-23; 7 U.S.C.A. 2020(e)(2); Americans with Disabilities Act (ADA), Public Law (P.L.) 101-336, 1990; U.S.D.A., Food and Consumer Services, Administrative Notice No. 94-22, dated January 7, 1994; Chapter 306, Statutes of 1988, and AB 1371, Chapter 306, Statutes of 1995; and Blanco v. Anderson Court Order, United States District Court, Eastern District of California, No. CIV-S-93-859 WBS, JFM, dated January 3, 1995, and Federal Register, Vol. 65, No. 229, dated November 28, 2001.

Amend Section 63-301 to read:

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued) 63-301

.3 Denying the Application (Continued)

.32 If the household has failed to appear for a one scheduled interviews and has made no subsequent contact with the CWD to express interest in pursuing the application, the CWD shall send ~~the notice of action denying he application by the 30th day following the date the application was filed.~~ The CWD shall reopen the case without requiring a new application if the applicant makes an office visit for the rescheduled interview anytime within the 30 day application processing period. a NOMI as soon as possible. The CWD shall reschedule if the household requests another interview within 30 days of the initial application date. The CWD must not deny a household's application prior to the 30th day as described in Section 63-300.45(a). The CWD must pro-rate benefits from the date of application if the household schedules a second interview within 30 days of the application date and is found eligible as described in Section 63-300.45(b). (Continued)

.34

~~NORMAL PROCESSING AND DENYING THE APPLICATION~~

Filing of Application Starts 30 day process	Action	Action in Second 30 Day Period	Original Month of Application Benefits
o HH completed application, was interviewed, supplied necessary verification, regis- tered for work as appropriate.	Determine eligibility for month of application and ongoing If eligible certify and issue benefits by 28th day. One/two month certs, issue NEC/approval.	Eligibility continues (One/two month certs have reapplied timely and were processed.)	Yes, if eligible

o HH fails to show for two scheduled interview and does not contact agency	denial notice by 30th day.	HH must reapply.	No.
o Request for verification on day application is filed, HH does not provide verification.	Denial notice on or before 30th day to be effective 30th day after application.	Case reopened without new application if required action taken within 60 days of date of application.	No.

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NORMAL PROCESSING AND DENYING THE APPLICATION

<u>Filing of Application</u> <u>Starts 30 day process</u>	<u>Action</u>	<u>Action in Second 30</u> <u>Day Period</u>	<u>Original Month of</u> <u>Application Benefits</u>
o <u>HH completed application, was interviewed, supplied necessary verification, registered for work as appropriate.</u>	<u>Determine eligibility for month of application and ongoing</u> <u>If eligible certify and issue benefits by 28th day.</u> <u>One/two month certs, issue NEC/approval.</u>	<u>Eligibility continues</u> <u>(One/two month certs have reapplied timely and were processed.)</u>	<u>Yes, if eligible</u>

<u>o HH fails to show for first scheduled interview and does not contact agency to reschedule within 30 days of app.</u>	<u>NOMI must be sent to HH. If HH does not reschedule, denial notice must be sent on 30th day.</u>	<u>HH must reapply.</u>	<u>No.</u>
<u>o HH schedules 2nd interview within 30 days of app. and is determined eligible.</u>	<u>Issue prorated benefits from date of application.</u>	<u>Issue benefits.</u>	<u>Yes.</u>
<u>o HH fails to show for 2nd interview.</u>	<u>Denial notice when administratively possible, but not before the 30th day of application.</u>	<u>Case is reopened with-out a new application if action taken within 30 days of denial. HH loses entitlement to benefits for 1st 30 days.</u>	<u>No.</u>
<u>o Request for verification on day application is filed, HH does not provide verification. Verification not received within 10 days of request.</u>	<u>Send denial notice on or before 30th day to be effective 30th day after application.</u>	<u>Case reopened without new application if required action taken within 60 days of date of application.</u>	<u>No.</u>

HANDBOOK ENDS HERE

.4 Delayed Actions (Continued)

.42 Delays Caused by the Household

If by the 30th day of the application processing period, the CWD cannot take further action on the application due to the fault of the household, the household shall lose its entitlement to benefits for the month of application. The CWD has the option either to deny or pend the application and to notify the household of the action taken by sending the household a notice of action either denying or pending the application. The option chosen by the CWD shall apply to all households within the county. If the application is to be denied, the CWD ~~may~~ must send a notice of denial on ~~or before~~ by the 30th day if verification has not been received, to be effective on the 30th day. If the application is held pending, the CWD

shall send the household a notice of pending status on the 30th day after application.
(Continued)

.44 Delays Beyond 60 Days

.441 If the CWD is at fault for not completing the application process by the end of the second 30-day period, and the case file is otherwise complete, the CWD shall continue to process the original application and any supplemental information provided by the household until an eligibility determination is made. (Continued)

(c)

DELAYED ACTIONS

30 Days After Filing of Application	Action on 30th Day	Action in Second 30 Day Period	Month of Application Benefits?
HH has not completed app OR HH has not registered for work OR HH has not supplied verification OR HH missed 1st interview and HH postponed 2nd interview	Denial or pending notice (option must apply to all households in county)	HH takes necessary action: reopen application HH takes no action: no action by Agency	No No
a. past 20th day and did not supply verification/register by 30th day b. past 30th day			
Verification requested on 2nd thru 20th day; HH does not supply verification	Option to pend 30 days from request for verification	HH takes necessary action: reopen application HH takes no action: no action by agency	No
Agency did not offer assistance; agency did not give HH at least 10 days to supply verification, register.* Agency did not schedule 2nd interview within 30 days.	Pending Notice If verification is lacking, option to pend 30 days from day of request for verification.	Agency must take action to complete certification HH must supply verification	Yes, if eligible

* Note: 10 days is minimum not maximum period; Agency cannot deny on 10th day after request for verification unless that is also the 30th day after application was filed.

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DELAYED ACTIONS

<u>30 Days After Filing of Application</u>	<u>Action on 30th Day</u>	<u>Action in Second 30 Day Period</u>	<u>Month of Application Benefits?</u>
<u>HH has not completed app OR HH has not registered for work OR HH has not supplied verification OR HH missed 1st interview and did schedule 2nd interview</u> <u>a. past 20th day and did not supply verification/register by 30th day</u> <u>b. past 30th day</u>	<u>Denial or pending notice (option must apply to all households in county)</u>	<u>HH takes necessary action: reopen application</u> <u>HH takes no action: no action by CWD</u>	<u>No</u> <u>No</u>
<u>Verification requested on 2nd thru 20th day; HH does not supply verification</u>	<u>Option to pend 30 days from request for verification</u>	<u>HH takes necessary action: reopen application</u> <u>HH takes no action: no action by CWD</u>	<u>No</u>
<u>CWD did not offer assistance; CWD did not give HH at least 10 days to supply verification. requested.* HH did schedule 2nd interview within 30 days of application, but CWD did not follow through.</u>	<u>Pending Notice</u> <u>If verification is lacking, option to pend 30 days from day of request for verification.</u>	<u>CWD must take action to complete certification HH must supply verification</u>	<u>Yes, if eligible</u>

* Note: 10 days is minimum not maximum period; CWD can deny by the 30th day after application was filed if the applicant did not provide requested verification within 10 days from the date it was requested.

HANDBOOK ENDS HERE

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Sections 10554, 18901, and 18904, Welfare and Institutions Code; Section 11349.1, Government Code; 7 Code of Federal Regulations (CFR) 271.2; 7 CFR 272.3(c)(1)(ii); 7 CFR 273.2(d)(1), (e)(3), (h)(1)(C), (h)(1)(i)(B) and (D), (h)(2)(i)(A), (i)(4)(iii)(B), (j), (j)(1), (j)(1)(iv), (j)(2)(iii) and (iv), (j)(3), (j)(4), and (j)(4)(vi); 7 CFR 273.4; 7 CFR 273.7 and .7(g)(1)(i); 7 CFR 273.8(e)(17); 7 CFR 273.9(d)(7) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994; 7 CFR 273.10(c)(1) and (g)(1)(ii); 7 CFR 274.2; (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal. Feb. 1, 1990) [Dock. No. CV-89-0768].); Public Law (P.L.) 102-237, Sections 902 and 905, as specified in Federal Administrative Notice 92-12, dated January 9, 1992; USDA, Food and Consumer Service, Administrative Notice 97-105, dated August 21, 1997; and P.L. 104-193, Sections 815 and 838 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); Food and Consumer Service Waiver dated May 24, 1996; and Federal Food Stamp Policy Memos 82-9 dated December 8, 1981, and 88-4 dated November 13, 1987, and Federal Register, Vol. 65, No. 229, dated November 28, 2001.

Amend Section 63-503 to read:

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND
BENEFIT LEVELS (Continued)

63-503

.4 Households With Special Circumstances (Continued)

.49 Households with Sponsored Noncitizens (Continued)

.492 The following noncitizens are exempt from provisions for sponsored noncitizens:
(Continued)

(d) An indigent noncitizen as determined ~~by the CWD~~ to have income that does not exceed 130 percent of the poverty guideline for the household size.

(1) If a determination is made by ~~an agency~~ the CWD that an indigent sponsored noncitizen's ~~would go hungry and homeless without benefits, an exception to the deeming rules would be permitted~~ income as described in Sections 63-102(l)(11) and 63-503.492(d) does not exceed 130 percent of the poverty guideline for the household size, deemed income and resources from the sponsor or the sponsor's spouse is not attributed to the sponsored noncitizen.

(iA) In these cases, the amount of income and resources of the sponsored noncitizen plus any income and resources the sponsor and/or the sponsor's spouse and/or others that is attributed actually give to the sponsored noncitizen shall ~~not exceed the amount actually provided~~ be considered the income and resources of the sponsored noncitizen.

(iiB) This exception applies for a period beginning on the date of such indigency determination and ending 12 months from that date. The 12-month exception period is renewable for additional 12-month periods.

(C) The CWD must notify the Attorney General at least annually of each indigency determination, including the names of the sponsor and the sponsored noncitizen involved.

(D) The CWD must inform the sponsored noncitizen either orally or in writing, of the requirement to notify the Attorney General of the indigent determination. The sponsor shall also be notified if administratively possible.

(e) (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Sections 10554 and 18904, Welfare and Institutions Code; 7 Code of Federal Regulations (CFR) 271.2; 7 CFR 272.3(c)(1)(ii); 7 CFR 273.1(b)(2)(iii), (c)(3)(i), (ii) and (e)(1)(i) as published in the Federal Register, Volume 59, No. 110 on June 9, 1994; 7 CFR 273.2(j)(4); 7 CFR 273.4(c)(2), (c)(2)(i), (c)(2)(i)(A), (c)(2)(iv), (c)(2)(v), (c)(3)(v), and (e)(1) and (2); 7 CFR 273.9(b)(1)(ii) and (b)(2)(ii); 7 CFR 273.10; 7 CFR 273.10(a)(1)(iii)(B); 7 CFR 273.10(c)(2)(iii), (c)(3)(ii), proposed amended 7 CFR 273.10(d) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994; (d)(1)(i), (d)(2), (d)(3), (d)(4), and proposed (d)(8) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994, and proposed amended 7 CFR 273.10(e)(1)(i)(E-H) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994; 7 CFR 273.11(a)(1)(i) through (iii), (a)(2)(i), (b)(1), (b)(1)(i) and (ii), (c), (c)(1), (c)(2)(iii), (c)(3)(ii), (d)(1), and (e)(1); 7 CFR 273.12(c)(3)(iv); 7 CFR 273.21(f)(2)(ii), (iii), (iv), and (v), (g)(3), (j)(1)(vii)(B), and (S); (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal. Feb. 1, 1990) _____ F. Supp. _____; Waiver Letter WFS-100:FS-10-6-CA, dated October 2, 1990, U.S.D.A., Food and Consumer Services; Administrative Notice No. 89-12, No. 92-23, dated February 20, 1992, No. 94-39, and No. 94-65; Public Law (P.L.) 100-435, Section 351, and P.L. 101-624, Section 1717; [7 United States Code (U.S.C.) 2012, 2014(e), and 2017(c)(2)(B)]; 7 U.S.C. 2015(d)(1); 8 U.S.C. 1631, P.L. 104-193, Sections 115, 815, 821, 827 and 829 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); and Federal Food Stamp Policy Memos 82-9 dated December 8, 1981, and 88-4 dated November 13, 1987, and Federal Register, Vol. 65, No. 229, dated November 28, 2001.



ATTACHMENT B

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

FOOD STAMP BRANCH

NOTICE OF DENIAL OR PENDING STATUS

COUNTY OF _____

STATE OF CALIFORNIA
HEALTH AND HUMAN SERVICES AGENCY
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

Notice Date : _____
Case Name : _____
Number : _____
Worker Name : _____
Number : _____
Telephone: _____
Address : _____

(ADDRESSEE)

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Questions? Ask your Worker.

State Hearing: If you think this action is wrong, you can ask for a hearing. The back of this page tells how. Your benefits may not be changed if you ask for a hearing before this action takes place.

DENIAL:

- ☐ Your household's application for Food Stamps has been **denied** because:
- ☐ If you do the following by _____, your application will be reopened.

If you don't do this by this date you will have to reapply if you want to get food stamps.

- ☐ We asked you for the above information when you applied for food stamps. You did not give us the information within ten (10) days of the day it was requested. You must give us the information by _____ (30 days after date of application) or your application will be denied and you will not get another notice.
- ☐ Your household cannot get food stamps until _____ because of the reason your application was denied. You may reapply then.
- ☐ If you get cash aid, you may be able to get food stamps. If you do not get a Food Stamp notice within 15 days after your cash aid is approved, contact your cash aid worker about food stamps.

Rules: These rules apply:

You may review them at your welfare office.

BACK BENEFITS:

- ☐ Your application/request for back food stamp benefits dated _____ was denied because:
- ☐ Your application/request for back Food Stamp benefits dated _____ was denied because it was filed in the wrong county. You must ask for those benefits from the county where you were denied or received benefits.

PENDING STATUS:

- ☐ Your application is pending.
- ☐ You have done what you need to do. We are still working on your case and you will hear from us soon.
- ☐ We asked you for the following information when you applied for food stamps. You did not give us the information within ten (10) days of the day it was requested. You must give us the information by _____ or your application will be denied and you will not get another notice. If you still want food stamps, you will have to reapply.

If you give us the things listed here by the date above, your application will be reopened.

NOTICE OF MISSED INTERVIEW

*If you have any questions or want more information,
please contact your worker.*

- Case Name :
Case Number :
District :
Worker :
Phone :
Date of Notice :

YOU WERE SCHEDULED FOR AN INTERVIEW ON _____, BUT YOU DID NOT KEEP THIS APPOINTMENT.

YOU MUST GET IN TOUCH WITH US BY _____ TO SCHEDULE ANOTHER INTERVIEW.

YOU MUST BE INTERVIEWED IN ORDER FOR US TO DETERMINE YOUR ELIGIBILITY FOR FOOD STAMP BENEFITS. IF YOU FAIL TO COMPLETE AN INTERVIEW, YOU WILL NOT BE ABLE TO GET FOOD STAMP BENEFITS.

RULES: These rules apply: MPP 63-300.4

You may review them at your welfare office

*If you have any questions or want more information,
please contact your worker.*

- Case Name :
Case Number :
District :
Worker :
Phone :
Date of Notice :