



September 1, 1998

ALL-COUNTY LETTER 98- 66

TO: ALL-COUNTY WELFARE DIRECTORS

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: CALIFORNIA FOOD ASSISTANCE PROGRAM (CFAP) AS AMENDED BY ASSEMBLY BILL (AB) 2779 (CHAPTER 329, STATUTES OF 1998)

The purpose of this letter is to provide County Welfare Departments (CWDs) with initial information and implementation instructions for the expanded CFAP for legal noncitizens. The Governor signed AB 2779 into law to provide for an expanded program for certain legal noncitizens. The initial CFAP covered those individuals who were adults 65 years of age or older and minors under 18 years of age who were legal resident noncitizens of the United States (U.S.). Effective September 1, 1998 the age restriction for eligibility is removed if the person's immigration status meets the eligibility criteria of the federal Food Stamp Program (FSP) in effect on August 21, 1996, but he or she was not eligible for food stamp benefits solely due to his or her immigration status under the Personal Responsibility and Work Opportunity Act (PRWORA) of 1996, and any subsequent amendments thereto. In addition, due to a recent change in federal law (S. 1150), almost all of the current CFAP population of under 18 and 65 or older will have their federal food stamp eligibility reinstated effective November 1, 1998.

Under an agreement with the United States Department of Agriculture (USDA), federal food stamp coupons will continue to be purchased for use in this program. Under the terms of this agreement, CWDs will continue employing a system of tracking and identifying cases in which a household member is issued state-funded food stamp benefits. All costs related to the state-funded food stamp program will be borne by the state, including administrative and benefit costs.

EXISTING AUTHORITY AND REGULATION DEVELOPMENT

The statute provides the California Department of Social Services (CDSS) with the authority to implement the provisions of the CFAP via All-County Letter (ACL). Emergency regulations are also being developed and will proceed on a basis parallel to this ACL.

ELIGIBILITY DETERMINATION

Legal noncitizens may be eligible for the program if the person's immigration status meets the eligibility criteria of the federal FSP in effect on August 21, 1996, but he/she is not eligible for federal food stamp benefits solely due to his/her immigration status under the PRWORA of 1996 and any subsequent amendments thereto.

An applicant who is otherwise eligible for the program but who entered the U. S. on or after August 22, 1996, shall be eligible for aid under this program only if he or she is sponsored and is able to provide verification that: a) the sponsor died; b) the sponsor is disabled; or, c) the applicant, after entry into the U.S., is a victim of abuse by the sponsor or the sponsor's spouse.

Abuse, as referenced above, is defined in the same manner as provided in the Welfare and Institutions (W & I) Code Sections 11495.1 and 11495.2. A sworn statement of abuse by a victim, or the representative of the victim if the victim is not able to competently swear, is sufficient to establish abuse if one or more additional items of evidence of abuse is also provided. Additional evidence may include, but is not limited to, the following:

- (A) Police, government agency, or court records or files;
- (B) Documentation from a domestic violence program, legal, clinical, medical, or other professional from whom the applicant or recipient has sought assistance in dealing with abuse;
- (C) A statement from any other individual with knowledge of the circumstances that provided the basis for the claim; or
- (D) Physical evidence of abuse.

If the victim cannot provide additional evidence of abuse, then the sworn statement shall be sufficient if the county makes a determination documented in writing in the case file that the applicant is credible.

BENEFIT LEVELS

CWDs are to use existing budgeting procedures for calculating food stamp benefits to be issued to eligible households. However, the income and deductible expenses of CFAP eligible noncitizen household members shall be excluded when determining the federal share of cost for combined (state and federal) households. The attached budgeting methodology provides several examples which describe the budgeting process for different household combinations.

No household shall receive more food stamp benefits than it would have received if all members had remained eligible for the federal FSP.

NOTE: The provision excluding the income and deductible expenses of CFAP eligible noncitizens when determining the federal share of cost is based on a current state option which is subject to change at such time as federal regulations are issued concerning the income and expenses of legal noncitizens.

WORK REQUIREMENTS

Legal noncitizens who are also receiving aid under CalWORKs shall be required to satisfactorily participate in welfare to work activities in accordance with their welfare to work plan.

Legal noncitizens who are not receiving aid under CalWORKs shall be required to be employed in subsidized or unsubsidized employment for the number of hours set forth in the county's CalWORKs plan. Exemptions, as defined in W & I Code Section 11320.3 (b), (3), may apply for disabled and aged (i.e. the individual is disabled as determined by a doctor's verification that the disability is expected to last at least 30 days, and that it significantly impairs the noncitizen's ability to be regularly employed in welfare to work activities, or the individual is 60 years of age or older).

NOTE: Regular food stamp program work requirements do not apply to these populations.

SEPTEMBER 1, 1998 IMPLEMENTATION

Legal noncitizens receiving CalWORKs benefits who are members of households who receive food stamp benefits shall have their eligibility for CFAP determined without need for a new application. The effective date of eligibility for this group shall be retroactive to September 1, 1998. Counties have until November 1, 1998 to complete these determinations.

NOTE: Counties may determine the eligibility of legal noncitizens who do not receive CalWORKs benefits, but who are members of households receiving food stamp benefits, without the need for a new application. However, this group is not entitled to retroactive benefits back to September 1, 1998.

NOVEMBER 1, 1998 IMPLEMENTATION

Migrant farmworker and seasonal farmworker households, as defined in federal Food Stamp Law, who are not also receiving CalWORKs benefits and who do not meet the requirement to be employed in subsidized or unsubsidized employment for the number of hours set forth in the county's welfare to work plan, may be eligible for benefits effective November 1, 1998. The CDSS, in consultation with the counties, shall develop guidelines for determining eligibility for this population.

As previously referenced, as a result of federal law (S. 1150) almost all of the current CFAP population under 18 and 65 or older will have their federal food stamp eligibility reinstated effective November 1, 1998. The attached budgeting methodology includes examples which describe the process for budget computations for households effected by the new federal law change.

COURT ORDERS

All court orders impacting the FSP are unaffected in the application of the CFAP. Any restrictions contained in Lopez v. Espy, Saldivar v. McMahon, Jones v. Yeutter, Steffens v. McMahon and Aktar v. Anderson remain in effect.

INFORMING NOTICE (FORMS FS 19)

Attachment 1 is form FS 19 Multilingual (8/98), which provides general information regarding the CFAP for the targeted population. CWDs must send this form to all households which contain a potentially eligible 18-64 year old noncitizen. CWDs may substitute an informational notice of their own design if such substitute provides the essential information. This notice should be sent to the potential populations as soon as administratively possible.

NOTICES OF ACTION

CWDs are to use existing Notices of Action (NOA) regulations and existing NOAs as stated in M.S. 63-504.2 for CFAP households.

QUALITY CONTROL

Benefits issued for households containing state-only members exclusively are excluded from federal quality control sampling for the purpose of calculating the state's food stamp error rate. However, households containing both federal and state eligible members **will** be subject to federal quality control.

COUPON PURCHASE AND ISSUANCE

CWDs who issue food stamps shall order federal food stamp coupons in the amount necessary to provide CFAP benefits to eligible households. These coupons shall be issued in the same manner as federal food stamp benefits are issued. Usage of these coupons is subject to the same terms and conditions as those governing federal food stamp coupons as stated in M.S. 63-604.

CASE RECORDS

CWDs will not be required to set up separate case records for households receiving CFAP benefits. Existing files can be maintained but must clearly identify household members eligible for CFAP benefits.

STATISTICAL REPORTING

CWDs should continue to follow existing reporting instructions for the following reports:

- DFA 256 - Food Stamp Program Participation and Coupon Issuance Report
- DFA 296X - Food Stamp Program Expedited Service Quarterly Statistical Report
- DPA 266 - Fraud Activity Report
- DFA 358 - Food Stamp Program Participants by Ethnic Group

Beginning with the September 1998 report month, counties should continue to report the number of state-funded food stamp persons under 18 years of age and 65 and older on the Food Stamp Program Monthly Caseload Movement Statistical Report (DFA 296). In addition, counties need to report the number of state-funded persons 18-64 years of age. This should be reported on the DFA 296 in the Comment Section for the months of September and October 1998. The DFA 296 report will be revised to capture data for those individuals under 18 years of age and over 18 years of age effective with the November 1998 report month. A separate ACL will be released advising the counties of these changes and the revised form.

FISCAL REPORTING

Until further notice, the procedure for completion of the FNS-250, Food Coupon Accountability Report is unchanged. However, the number of households receiving benefits under the new expanded state program should be reported on the DFA 256. CWDs will be provided with updated instructions in the near future.

ADMINISTRATIVE CLAIMING

CWDs are to continue using the current administrative expense claiming procedures. It is anticipated that the county expense claim (CEC) will be revised effective the December 1998 quarter to capture the additional persons count information for the CFAP program. However, for the two months of September and October counties should maintain a count of the added population (18-64 year olds).

If you have any questions or require further program information, please contact Alan Rowe of the Food Stamp Bureau, Policy Implementation Unit, at (916) 653-5208. For questions regarding CFAP budgeting, contact Karen O'Neill, Food Stamp Bureau, Policy Development Unit, at (916) 654-0710. For questions regarding Fiscal Reporting, contact Janet Lopez at (916) 654-0931. For questions regarding Administrative Expense Claiming, contact your County Fiscal Analyst at (916) 657-3440. For questions regarding Statistical Reporting, contact Virginia Uchida at (916) 445-6731.

***Original Document Signed By
Bruce Wagstaff on 9/1/98***

BRUCE WAGSTAFF
Deputy Director
Welfare to Work Division

Attachments

IMPORTANT INFORMATION

A new state law has been signed by the Governor.

If you have any legal noncitizen members in your household who have had their food stamp benefits stopped on September 1, 1997, this message is important to you.

California now has an expanded state food stamp program for legal noncitizens age 18 to 64. These noncitizens must have been in this country prior to August 22, 1996. You may be eligible to receive additional food stamp benefits if you have legal noncitizens age 18-64 living with you.

If your household is receiving both food stamps and CalWORKs, you do not need to contact the county to receive these benefits. If your household is not receiving both food stamps and CalWORKs, you must ask the county to add the 18-64 year olds to your case.

If you have any questions, please contact your county eligibility worker.

INFORMACION IMPORTANTE

El Gobernador ha firmado una nueva ley estatal.

Si hay en su grupo para fines de estampillas para comida (grupo) una persona no ciudadana que está aquí legalmente y a quien se le descontinuaron las estampillas para comida el 1º de septiembre de 1997, este mensaje es importante para usted.

California tiene ahora un programa más extenso en relación a las estampillas para comida provenientes del estado. Este programa está disponible para las personas no ciudadanas que están aquí legalmente y que tienen entre 18 y 64 años de edad. Estas personas no ciudadanas deben haber estado en este país desde antes del 22 de agosto de 1996. Es posible que usted reúna los requisitos para recibir beneficios adicionales del programa de estampillas para comida si viven con usted personas no ciudadanas que están aquí legalmente y que tienen entre 18 y 64 años de edad.

Si su grupo está recibiendo estampillas para comida y beneficios de CalWORKs (Programa de California de Oportunidades de Trabajo y Responsabilidad hacia los Niños), no necesita comunicarse con el condado para recibir estos beneficios. Si su grupo no está recibiendo estampillas para comida y beneficios de CalWORKs, usted debe pedirle al condado que añada a su caso a las personas entre 18 y 64 años de edad.

Si tiene alguna pregunta, por favor comuníquese con su trabajador de elegibilidad del condado.

(Spanish)

ATTACHMENT 2

BUDGETING METHODOLOGY FOR LEGAL NONCITIZENS ELIGIBLE FOR THE CALIFORNIA FOOD ASSISTANCE PROGRAM (CFAP) EFFECTIVE SEPTEMBER 1, 1998

Example 1: Citizen mother, two citizen children and a legal noncitizen father 35 years of age with earnings of \$1200 a month. Rent, including utilities, is \$600. The mother and children are federally eligible for food stamps. The father is eligible for CFAP.

1. COMBINED HOUSEHOLD BUDGET		2. FEDERAL BUDGET	
a. Income:	\$1200	a. Income:	0
b. 80% of earned income=	960	b. 80 % of earned income=	NA
c. Less \$134 standard deduction=	826	c. Less \$134 standard deduction=	NA
d. Preliminary Adjusted Income=	826	d. Preliminary Adjusted Income=	0
e. Rent:	600	e. Rent: \$600/4x3=	\$450
f. Allowable shelter: 50% of d.=	413	f. Allowable shelter: 50% of d.=	0
g. Excess shelter: e. - f.=	187	g. Excess shelter: e.- f.=	450
h. Net income: d. - g.=	639	h. Net income: d. - g.=	0
i. Food Stamp Allotment for 4=	\$216	i. Food Stamp Allotment for 3=	\$321
3. COMPUTATION OF THE STATE AND FEDERAL SHARES OF COST:			
Combined Household Allotment:		\$216	
Less Allotment for Federally Eligible Members:		<u>-321</u>	
CFAP Share of Cost:		0	

- ◆ The household will be issued the combined household allotment of \$216.
- ◆ The computation of the budget for the federally eligible household members is for the determination of the state and federal shares of food stamp costs only.
- ◆ In this example, there is no state share of cost as the allotment that would be issued to the household if only the federally eligible members were receiving benefits is greater than the combined household allotment.

Example 2: Legal noncitizen mother 24 years of age with one legal noncitizen child and two citizen children. The family's only income is a four person CalWORKs grant of \$673. Rent, including utilities, is \$400. For the months of September and October, 1998 the mother and the legal noncitizen child are eligible for CFAP and the two citizen children are eligible for federal food stamps.

1. COMBINED HOUSEHOLD BUDGET		2. FEDERAL BUDGET	
a. Income:	\$673	a. Income: Prorate 673/4x2=	\$336.50
b. Less \$134 standard deduction:	539	b. Less \$134 standard deduction:	202.50
c. Preliminary Adjusted Income:	539	c. Preliminary Adjusted Income:	202.50
d. Rent:	400	d. Rent: Prorate 400/4x2=	200
e. Allowable shelter: 50% of c.=	269.50	e. Allowable shelter: 50% of c.=	101.25
f. Excess shelter: d. - e.=	130.50	f. Excess shelter: d. - e.=	98.75
g. Net income: c. - f.=	409	g. Net income: c. - f.=	104
h. Food Stamp Allotment for 4=	\$285	h. Food Stamp Allotment for 2=	\$192
3. COMPUTATION OF THE STATE AND FEDERAL SHARES OF COST:			
Combined Household Allotment:		\$285	
Less Allotment for Federally Eligible Members:		<u>-192</u>	
CFAP Share of Cost:		\$ 93	

- ◆ The household will be issued the combined household allotment of \$285.
- ◆ The computation of the budget for the federally eligible household members is for determination of the state and federal shares of food stamp costs only.
- ◆ In this example, the CFAP share of cost is \$93.
- ◆ Beginning November 1, 1998, the legal noncitizen child will be eligible for federal food stamps along with the two citizen children. Only the legal noncitizen mother will continue to be eligible for CFAP. The following table illustrates the change in the computation of the state and federal shares of cost for this household effective November 1. The changes are to the Federal Budget only. The Combined Household Budget remains the same.

1. COMBINED HOUSEHOLD BUDGET		2. FEDERAL BUDGET	
a. Income:	\$673	a. Income: Prorate 673/4x3	\$504.75
b. Less \$134 standard deduction:	539	b. Less \$134 standard deduction:	370.75
c. Preliminary Adjusted Income:	539	c. Preliminary Adjusted Income:	370.75
d. Rent:	400	d. Rent: Prorate 400/4x3=	300
e. Allowable shelter: 50% of c.=	269.50	e. Allowable shelter: 50% of c.=	185.38
f. Excess shelter: d. – e.=	130.50	f. Excess shelter: d. – e.=	114.62
g. Net income: c. – f.=	409	g. Net income: c. – f.=	256
h. Food Stamp Allotment for 4=	\$285	h. Food Stamp Allotment for 3=	\$244
3. COMPUTATION OF THE STATE AND FEDERAL SHARES OF COST:			
	Combined Household Allotment:		\$285
	Less Allotment for Federally Eligible Members		<u>-244</u>
	CFAP Share of Cost:		\$ 41

The household will be issued the combined allotment of \$285.

- ◆ The computation of the budget for the federally eligible household members is for determination of the state and federal shares of food stamp costs only.
- ◆ In this example, the CFAP share of cost decreases from \$93 for September and October to \$41 effective November 1.

Example 3: Legal noncitizen dad 30 years of age with earnings of \$400 per month, an undocumented mom with earnings of \$200 per month, a legal noncitizen child and a citizen child. The family receives a CalWORKs grant of \$485. The assistance unit (AU) consists of the dad and the two children. Rent, including utilities, is \$600. For September and October, 1998, the father and the legal noncitizen child are eligible for CFAP and the citizen child is eligible for federal food stamps. The undocumented mother is not eligible for food stamps.

1. COMBINED HOUSEHOLD BUDGET		2. FEDERAL BUDGET	
a. Earned income: Dad	\$400	a. Earned income: Dad	0
	Mom $\$200/4 \times 3 =$		Mom $\$200/4 \times 1 =$
	150		\$ 50
Total earnings:	\$550	Total earnings:	\$ 50
b. 80% of earnings:	440	b. 80% of earned income:	40
c. Unearned income:	485	c. Unearned income: $485/3 \times 1 =$	161.67
d. Total income:	\$925	d. Total income:	\$201.67
e. Less \$134 standard deduction:	791	e. Less \$134 standard deduction:	67.67
f. Preliminary Adjusted Income:	791	f. Preliminary Adjusted Income:	67.67
g. Rent: $\$600/4 \times 3 =$	450	g. Rent: $\$600/4 \times 1 =$	150
h. Allowable shelter: 50% of f. =	395.50	h. Allowable shelter: 50% of f. =	33.84
i. Excess shelter: g. – h. =	54.50	i. Excess shelter: g. – h. =	116.16
j. Net income: f. – i. =	737	j. Net income: f. – i. =	0
k. Food Stamp Allotment for 3 =	\$ 99	k. Food Stamp Allotment for 1 =	\$122
3. COMPUTATION OF THE STATE AND FEDERAL SHARES OF COST			
Combined Household Allotment:		\$ 99	
Less Allotment for Federally Eligible Members:		<u>-122</u>	
CFAP Share of Cost:		\$ 0	

- ◆ The household will be issued the combined allotment of \$99.
- ◆ The computation of the budget for the federally eligible household members is for determination of the state and federal shares of food stamp costs only.
- ◆ In this example, there is no state share of cost as the allotment that would be issued to the household if only the federally eligible members were receiving benefits is greater than the combined household allotment.
- ◆ The legal noncitizen dad's income is counted in full in the Combined Household Budget, but not counted at all in the Federal Budget.
- ◆ The undocumented mom's income is prorated in both the Combined Household Budget and in the Federal Budget.
- ◆ Beginning November 1, 1998, only the legal noncitizen dad will remain eligible for CFAP. His income will continue to count in full in the Combined Household Budget and not count at all in the Federal budget. The legal noncitizen child will become eligible for federal food stamps along with the citizen child. The undocumented mom remains ineligible for both programs but a prorated portion of her income continues to be counted in both budgets. The following table illustrates the change in the computation of the state and federal shares of cost for this household effective November 1. The change is to the Federal Budget only. The Combined Household Budget remains the same.

1. COMBINED HOUSEHOLD BUDGET			2. FEDERAL BUDGET		
a. Earned income: Dad	\$400		a. Earned income: Dad	0	
		Mom $\$200/4 \times 3 =$			Mom $\$200/4 \times 2 =$ \$100
Total earnings:	\$550		Total earnings:	\$ 100	
b. 80% of earnings:	440		b. 80% of earned income:	80	
c. Unearned income:	485		c. Unearned income: $485/3 \times 2 =$	323.33	
d. Total income:	\$925		d. Total income:	\$403.33	
e. Less \$134 standard deduction:	791		e. Less \$134 standard deduction:	269.33	
f. Preliminary Adjusted Income:	791		f. Preliminary Adjusted Income:	269.33	
g. Rent: $\$600/4 \times 3 =$	450		g. Rent: $\$600/4 \times 2 =$	300	
h. Allowable shelter: 50% of f. =	395.50		h. Allowable shelter: 50% of f. =	134.67	
i. Excess shelter: g. – h. =	54.50		i. Excess shelter: g. – h. =	165.33	
j. Net income: f. – i. =	737		j. Net income: f. – i. =	104	
k. Food Stamp Allotment for 3 =	\$ 99		k. Food Stamp Allotment for 2 =	\$192	
3. COMPUTATION OF THE STATE AND FEDERAL SHARES OF COST					
Combined Household Allotment:			\$ 99		
Less Allotment for Federally Eligible Members:			<u>-192</u>		
CFAP Share of Cost:			\$ 0		

- ◆ The household will be issued the combined household allotment of \$99.
- ◆ The computation of the budget for the federally eligible household members is for determination of the state and federal shares of food stamp costs only.
- ◆ In this example, there is no state share of cost as the allotment that would be issued to the household if only the federally eligible members were receiving benefits is greater than the combined household allotment.