

## DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



October 1, 1999

ALL-COUNTY LETTER NO. 99-78

TO: ALL-COUNTY WELFARE DIRECTORS

**REASON FOR THIS TRANSMITTAL**

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

SUBJECT: CALIFORNIA FOOD ASSISTANCE PROGRAM (CFAP) AS AMENDED BY ASSEMBLY BILL (AB) 1111 (Chapter 147, Statutes of 1999)

REFERENCE: ACIN I-53-99

The purpose of this letter is to provide County Welfare Departments (CWDs) with implementation instructions for the expanded CFAP for legal noncitizens. The Governor signed AB 1111 into law to provide food stamp benefits for additional categories of legal noncitizens. Effective August 1, 1999, battered noncitizens that are not eligible for the federal Food Stamp Program (FSP) due to their noncitizen status and Cuban/Haitian entrants who are no longer federally eligible due to the expiration of their seven-year limit are eligible to CFAP. Additionally, noncitizens who are otherwise eligible, but who legally entered the United States on or after August 22, 1996 will be eligible for CFAP for the period beginning October 1, 1999 and ending September 30, 2000. Sponsored noncitizens with the new affidavit of support, who do not meet exemptions from deeming, shall be subject to a period of three years instead of the longer federal requirement.

### **EXISTING AUTHORITY AND REGULATION DEVELOPMENT**

The statute provides the California Department of Social Services (CDSS) with the authority to implement the provisions of CFAP via All-County Letter (ACL). The CDSS is required to adopt regulations no later than July 1, 2000 and may adopt them on an emergency basis. Therefore, existing rules specified in Welfare and Institutions Code 18930, 18930.5 and 18932 are applicable.

### **ELIGIBILITY DETERMINATION**

Battered noncitizens that meet the definition under Section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) for a "Qualified Noncitizen" now have eligible noncitizen status under CFAP (63-405.118). Current regulations at 63-405.5 should be referenced when applying the battered noncitizen status under CFAP.

Cuban/Haitian entrants, as described in Section 501(e) of the federal Refugee Education Assistance Act of 1980, and included in the definition of "Qualified Noncitizen" under Section 431 of PRWORA are now considered to have eligible noncitizen status under CFAP. These individuals who have exceeded the federal seven-year time limit are eligible for CFAP.

An applicant who is otherwise eligible for CFAP 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 sponsor/sponsor's spouse is abusive. If an applicant does not meet any of these conditions, then he/she may be eligible for the period beginning October 1, 1999 through September 30, 2000.

Eligible CFAP noncitizens, who are sponsored and do not meet an exemption, shall continue to be subject to the federal deeming rules pursuant to 63-503.49. The period for deeming of the sponsor's income and resources is three years from the date of the sponsor's execution of the affidavit of support. The federal 12-month exemption from the sponsorship rules based on indigence still applies to CFAP sponsored noncitizens and AB 1111 provides an indefinite exemption for CFAP sponsored noncitizens who are victims of abuse by their sponsor or sponsor's spouse.

### **BENEFIT LEVELS**

CWDs are to continue to use existing budgeting procedures and benefit level calculations for calculating food stamp benefits for CFAP eligible households.

### **CFAP WORK REQUIREMENTS**

AB 1111 amended the work requirement for CFAP recipients who do not receive cash under the California Work Opportunity and Responsibility to Kids (CalWORKs) Program. Non-CalWORKs CFAP recipients must now meet the federal food stamp requirement established for Able-Bodied Adults Without Dependents (ABAWDs). The ABAWD work requirement is defined at Manual of Policies and Procedures (MPP) Section 63-410. Except for regulations pertaining to CFAP/CalWORKs recipients at MPP Section 63-411.11 and .21, the instructions in this letter supercede requirements at MPP Section 63-411.

Under the ABAWD work requirement, nonexempt food stamp recipients age 18 and older and under 50 years of age are ineligible for food stamps if, during a 36-month period, they receive food stamps for three months or more without satisfying the ABAWD work requirement. Exemptions include pregnancy, living in a food stamp household that contains a dependent child, and all food stamp work registration exemptions at MPP Section 63-407.21. The ABAWD work requirement is met by working or participating at least 20 hours per week in an allowable work activity, including certain Refugee Cash Assistance (RCA) and General assistance (GA) activities or by participating in workfare, including GA workfare (63-410.2). Required hours of workfare participation are equal to the household's monthly allotment divided by the higher of the state or federal minimum wage.

MPP Section 63-410.51 specifies that persons who fail to meet the ABAWD work requirement may regain eligibility if, during a 30-day period, they work or participate in an allowable work activity for at least 80 hours or participate in workfare for the required number of hours. Persons who regain eligibility and stop meeting the ABAWD requirement for reasons such as layoff or having their hours reduced may receive food stamps for one grace period of three consecutive months if otherwise eligible (63-410.52).

The 36-month period for tracking compliance with the ABAWD work requirement should not begin until October 1, 1999. Persons who failed to meet the work requirement for August and September of 1999 should be issued benefits for those months if otherwise eligible. August and September will not count toward the three-month limit established for the CFAP/ABAWD work requirement.

Because CFAP is a state-only program, any data counties collect about compliance with the CFAP work requirement should not be included on the following forms:

- Stat 40: Food Stamp Employment and Training (FSET) Program Quarterly Statistical Report
- Stat 46: FSET Program ABAWDs Quarterly Statistical Report

Unless otherwise specified in CFAP legislation, all federal food stamp requirements apply to CFAP recipients. This includes requirements for food stamp sanctions and voluntary quits. When a CFAP/CalWORKs recipient is sanctioned for failing to comply with WTW activities, food stamp sanction requirements at MPP Section 63-407.54 apply. A food stamp sanction should be imposed, unless the client qualifies for one of the food stamp work registration exemptions at MPP Section 63-407.21.

Attached is an informing notice (Temp 2177) to be sent immediately to all CFAP recipients. The notice explains the new requirement for non-CalWORKs CFAP recipients. The requirement is called the non-assistance CFAP work requirement to avoid confusion. Discontinuance Notices of Action (NOAs) for failure to meet the non-assistance CFAP work requirement and a CFAP sanction NOA will be issued in the near future.

#### **IMPLEMENTATION**

- Effective August 1, 1999 and beginning no later than October 1, 1999, the CWDs shall implement the amended and adopted provisions for all new food stamp applications (other than the work requirements).
- Noncitizens who are members of households that receive food stamp benefits shall have their eligibility for CFAP determined without need for a new application. These provisions shall be implemented upon request by the household at recertification; when the case is next reviewed; when the CWD becomes aware that a review is needed; or the CWD has identified the case containing CFAP eligible persons, whichever occurs first. The effective date of eligibility shall be retroactive to the date of application or August 1, 1999 whichever occurred later.
- For households that applied and were eligible between August 1, 1999 and October 1, 1999 but were denied, the household is entitled to restored benefits back to August 1, 1999 or the date of application, whichever occurred later.

#### **INFORMING NOTICE (FORM FS 19)**

Attached is the Informing Notice FS 19 Multilingual (9/99), which provides general information regarding the CFAP for the targeted population. CWDs must send this form to all food stamp households which contain a potentially eligible 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 the existing NOA regulations as stated in 63-504.2 and current NOAs for CFAP households.

### **QUALITY CONTROL**

Benefits issued for households containing CFAP 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. This means that there will be no hold harmless period for federal food stamp program errors.

### **COUPON PURCHASE AND ISSUANCE**

CWDs that 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. Usage of these coupons is subject to the same terms and conditions as those governing federal food stamp coupons as stated in 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 and the CFAP share of the combined allotment.

### **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 296 – Food Stamp Program Caseload Movement Statistical 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

### **FISCAL REPORTING**

The CFAP State Plan states that CFAP FSP claims are not federal debts. Accordingly, CFAP claims are not to be included on the FNS-209 report. Additionally, ACL 98-54 (dated July 22, 1998) states that the federal FNS-209 shall be prepared following current instructions with the exception that Line 29, REMARKS reflect "CFAP cash collection \$\_\_\_\_\_."

The state plan also states that any state funded administrative costs and benefit costs incurred by the state-only eligible households shall be excluded from the FNS-46, FNS-209 and FNS-259 reports.

**ADMINISTRATIVE CLAIMING**

CWDs are to continue using the current administrative expense claiming procedures.

If you have any questions or require further program information please contact the following staff:

- |                         |                |                                    |
|-------------------------|----------------|------------------------------------|
| ➤ Pam Kian              | (916) 654-1801 | Food Stamp Policy Development Unit |
| ➤ Robert Nevins         | (916) 654-1408 | Employment Bureau                  |
| ➤ Janet Lopez           | (916) 653-6741 | Fiscal Reporting                   |
| ➤ County Fiscal Analyst | (916) 657-3440 | Administrative Expense Claiming    |
| ➤ Ginger Simpson        | (916) 323-7536 | Statistical Reporting              |

***Original document signed  
By Bruce Wagstaff on 9/30/99***

BRUCE WAGSTAFF  
Deputy Director  
Welfare to Work Division

Attachments