CALFRESH (CF) PROGRAM
REQUEST FOR POLICY/REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO:
   - ☑ Policy/Regulation Interpretation
   - ☐ QC
   - ☐ Fair Hearing
   - ☐ Other:

2. REQUESTOR NAME:

3. PHONE NO.:

4. REGULATION CITE(S):
   ACL 15-42

5. DATE OF REQUEST:
   8/12/2015 (to RN)

NEED RESPONSE BY:
ASAP

6. COUNTY/ORGANIZATION:
   YOLO

7. SUBJECT:
   130% INCOME REPORTING THRESHOLD

8. REFERENCES: *(Include ACL/ACIN, court cases, etc. in references)*
   NOTE: All requests must have a regulation cite(s) and/or a reference(s).
   7 CFR 273.12(5)(v) and 7 CFR 273.12(5)(vi)

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

ACL 15-42 states that households certified with income at or below 130 percent of the FPL must report if their income exceeds and will continue to exceed 130% of the FPL. It states that the CWD must then determine if the income is below 200% of the FPL and if it is, send the household a new SAR 2 that notifies the household that they no longer have an IRT for reporting purposes. The ACL does not state if you need to take action to budget the income and adjust the benefit amount on reports of income over 130% FPL. According to 7 CFR 273.12(5)(vi), the state agency MUST ACT when the household reports that its gross monthly income exceeds the gross monthly income limit for its household size (which we have now determined to be 130% FPL).

Continued below...

10. REQUESTOR'S PROPOSED ANSWER:

The CWD must take action to budget the income and adjust the benefit amount on reports of income exceeding and continuing to exceed 130% of the FPL for households that were certified with income at or below 130% of the FPL. This includes requesting verification if it is not provided since this a mandatory report.

11. STATE POLICY RESPONSE *(CFPB USE ONLY)*:

CDSS concurs with the proposed response.
For additional information, please see ACL 13-17 (Updated Information for Semi-Annual Reporting Implementation for CalFresh) page three regarding Reporting Requirements and Action on Changes and pages five through seven regarding Income Over and Under IRT.

FOR CDSS USE

DATE RECEIVED:	DATE RESPONDED TO COUNTY/ALJ:
03/23/16	03/30/2016 (TJ)

CALFRESH (CF) PROGRAM
REQUEST FOR POLICY/REGULATION INTERPRETATION (Continued)

1. RESPONSE NEEDED DUE TO: ☐ Policy/Regulation Interpretation ☐ QC ☐ Fair Hearing ☐ Other:	5. DATE OF REQUEST: NEED RESPONSE BY: 6. COUNTY/ORGANIZATION: 7. SUBJECT:
2. REQUESTOR NAME: 3. PHONE NO.: 4. REGULATION CITE(S):	8. REFERENCES: *(Include ACL/ACIN, court cases, etc. in references)* **NOTE: All requests must have a regulation cite(s) and/or a reference(s).**

9.

Scenario:
Customer, who was certified with income below 130% of the FPL, calls and report that their household's income has exceeded their IRT of 130% of the FPL and is expected to continue to exceed 130% FPL. Their household's income is below 200% FPL.

Question:
Do I budget this income? Since reports of income exceeding the IRT are mandatory reports, do I request verification and use it to determine a new benefit amount?

The ACL is not clear. It states "the CWD must determine the appropriate case action." Based on the scenarios in the ACL, all I would do is send a new letter informing them that they no longer have an IRT. The ACL does not say whether the income is used, if the benefits are adjusted. Why have an IRT if you do not act on reports of income that exceeds it?