STATE OF CALIFORNIA – HEALTH AND HUMAN SERVICES AGENCY

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

FOOD STAMP PROGRAM
REQUEST FOR REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 -10 of the form. Use a separate form for each policy interpretation request. Retain a copy of the FS 24 for your records. For counties asking for policy interpretations, submit the question directly to a FRAT representative via e-mail. For other organizations (e.g., Quality Control, Administrative law Judges), submit questions directly to the Food Stamp Policy Implementation Unit or Employment and Special Projects Unit representative via e-mail.

1. RESPONSE NEEDED DUE TO:	5. DATE OF REQUEST	NEED RESPONSE BY:
☒ Policy/Regulation Interpretation ☐ QC ☐ Fair Hearing ☐ Immediate Need/Emergency Services ☐ Other:	04/27/2012	5/28/2012
	6. COUNTY/ORGANIZATION: CalWIN Consortium	
	7. SUBJECT: The use of TUA and Homeless Shelter deduction in the CalFresh budget	
2. REQUESTOR NAME:	8. REFERENCES: (ACLs/ACINs, FSQADs, etc.) ACIN I-18-07	
3. PHONE NUMBER:		
4. REGULATION CITE(S): 63-502.35 & 63-502.36		

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

Please clarify **if a household is homeless and is paying for a phone (particularly a cellular phone) are they eligible to the homeless shelter deduction or just the telephone utility allowance**. Regulation 63-502.353 states - All homeless households which incur, or reasonably expect to incur, shelter costs during a month shall be eligible to use the homeless shelter deduction without providing verification of the shelter costs. Higher shelter costs may be used if verification is provided. 63.502.362 states- Shelter costs shall include only the following: (d) The cost of heating and cooking fuel; cooling and electricity; water and sewerage; garbage and trash collection fees; **the basic service and rental fee for one telephone**, including tax on the basic fee; and fees charged by the utility provider for initial installation of the utility.

On 03/20/2012, San Francisco County requested a policy interpretation regarding this question. Please clarify the answer provided as to whether the cellular phone allows the homeless household to be eligible to the Homeless Shelter deduction or only TUA.

10. REQUESTERS PROPOSED ANSWER:

Service fees for telephones are considered a shelter cost according to 63.503.362. If a household is paying a service fee for a telephone (cellular or landline) they qualify for the homeless shelter deduction. If the service and rental fees are higher than the standard homeless shelter deduction then the household should qualify for the higher amount as a shelter expense. They would only be entitled to TUA in addition to the shelter costs in circumstances where the cost of the service and rental fees is used instead of the standard homeless shelter deduction.

11. FRAT RESPONSE TO COUNTY QUESTION:

12. STATE POLICY RESPONSE (FSPIU USE ONLY):

13. 290-3

14. In *Saldivar* v. *McMahon*, the federal district court ordered the CDSS to provide timely notice of adverse action prior to reducing or terminating benefits, regardless when the monthly income report is submitted.

15. **As part of the implementation of the court order, the CDSS notified the counties that when a monthly income report was filed late or incomplete, and the recipient submitted a complete CA 7 by the extended filing date, the counties "must not establish a claim against the [CalFresh] household as long as a complete CA 7 is submitted by the extended filing date."**

FOR FRAT USE

DATE RECEIVED:	DATE RESPONDED TO COUNTY:	DATE FORWARDED TO STATE: