FOOD STAMP PROGRAM
REQUEST FOR REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 - 10 on 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:
   - ☑ Policy/Regulation Interpretation
   - ☐ QC
   - ☐ Fair Hearing
   - ☐ Immediate Need/Emergency Services
   - ☐ Other:

5. DATE OF REQUEST: 3/13/2012

NEED RESPONSE BY: 3/22/2012

6. COUNTY/ORGANIZATION: CDSS

7. SUBJECT: CalFresh Shelter Allowance

2. REQUESTOR NAME:

3. PHONE NO.:

4. REGULATION CITE(S): MPP Section 63-502.362

8. REFERENCES: *(Include ACL/ACIN, court cases, etc. in references)*
NOTE: All requests must have a regulation cite(s) and/or a reference(s).
MPP Section 63-502.362

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

I have a CalFresh case where the claimant's benefits have been reduced. In computing the budget, the county used a rent figure of $350. The claimant is actually paying $700 per month in rent -- $350 for current rent and $350 for arrearages. For many months in the past, when the claimant was unable to pay his rent, the county did not include any rent figure in the allowable shelter deduction calculation. Is it improper to include the whole $700 the claimant is now paying for rent in the calculation?

10. REQUESTOR'S PROPOSED ANSWER:

No, it is not improper to include the current rent and the arrearages the claimant is currently paying toward his rent on a monthly basis. There is nothing in MPP Section 63-502.362 or departmental policy that proscribes the inclusion of arrears in the shelter deduction, or that the shelter deduction can only be comprised of the cost of current rent. As long as the claimant wasn't allowed the deduction previously and so isn't being given credit twice, the inclusion of all rent currently being paid, inclusive of arrearages, may be included in the shelter deduction calculation..

11. FRAT RESPONSE TO COUNTY QUESTION:

12. STATE POLICY RESPONSE *(FSPIU USE ONLY)*:

It is incorrect to allow arrearages as part of an expense. Arrearages may not be included in the shelter deduction. However, it is also incorrect to disallow a rent cost, even if it was not paid in the month it was due. The actual cost of the rent should be, and should have been, used to calculate benefits.

63-503.251 Billed Expenses: Except as specified in Section 63-503.252 for averaged expenses, a deduction shall be allowed only for the month the expense is billed or otherwise becomes due, regardless of when the household intends to pay the expense. Rent which is due each month shall be included in the household's shelter expenses, even if the household has not yet paid the expense. Amounts carried forward from past billing periods shall not be deducted, even if included with the most recent billing and actually paid by the household. In any event, an allowable expense shall be deducted only once.

FOR FRAT USE

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