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:

5. DATE OF REQUEST: August 25, 2016

NEED RESPONSE BY: September 12, 2016

6. COUNTY/ORGANIZATION: County of San Bernardino

7. SUBJECT: Determining Indigence of Sponsored Noncitizen

2. REQUESTOR NAME:

3. PHONE NO.:

4. REGULATION CITE(S): 63-405.7 7CFR 273.4(c)(3)(iv)

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

UPDATED REFERENCES
ACL 11-06

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

Situation: Customer lives with her daughter and son-in-law who sponsored her, she pays no rent to her daughter and is receiving CalFresh benefits.
Per ACL 11-06, upon receiving an application from an adult sponsored noncitizen seeking CalFresh, the county must first establish whether the noncitizen is indigent. To do this the county must first establish whether the noncitizen "is unable to obtain food and shelter". The term "is unable to obtain food and shelter" has been defined to mean that the sum of (1) the eligible sponsored noncitizen household's own current income, (2) the cash contributions actually received from the sponsor and others, plus (3) the value of any in-kind assistance the sponsor and others provide does not exceed 130 percent of the FPL for the household size.

Question: The customer lives with her daughter and receives free shelter, therefore the term (see page 2)

10. REQUESTOR'S PROPOSED ANSWER:

The customer receives free shelter and therefore, does not meet the definition of "is unable to obtain food or shelter", the customer does not meet the indigent criteria.

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

Because FNS clarified the indigence determination includes an "estimation of the value of in-kind assistance the sponsor and others provide.," an estimation needs to be completed for the "sum of items 1-3". The final NCEP rule at 65 FR 70136 under the title "Determination of Indigence" states "Under the final rule, an eligible sponsored alien is indigent if the sum of all the sponsored alien's household's income and any assistance the sponsor or others provide (cash or in-kind) is less than or equal to 130 percent of the poverty income guideline. To comply with the statute, and unlike a normal determination of income for food stamp eligibility purposes, the indigence determination includes an estimation ... of the value of in-kind assistance the sponsor and others provide."

References: ACL 11-06, 11-06E, ACIN I-40-13, ACL 16-47, FNS Administrative Notice 09-24

FOR CDSS USE

DATE RECEIVED: 8/25/2016

DATE RESPONDED TO COUNTY/ALJ: 9/23/16sc

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: August 25, 2016 NEED RESPONSE BY: September 12, 2016 6. COUNTY/ORGANIZATION: County of San Bernardino 7. SUBJECT: Determining Indigence of Sponsored Noncitizen
2. REQUESTOR NAME:	8. REFERENCES: *(Include ACL/ACIN, court cases, etc. in references)* **NOTE: All requests must have a regulation cite(s) and/or a reference(s).**
3. PHONE NO.:	ACL 11-06
4. REGULATION CITE(S): 63-405.7 7CFR 273.4(c)(3)(iv)	

"is unable to obtain food and shelter" does not meet her situation, as she has a place to live.
Should the county stop the determination at this point? And consider the noncitizen not meeting the definition of indigent?
Or, should the county continue with the determination and add the values of 1,2 and 3 (determining the value of the in-kind assistance (shelter costs)) as stated above?