



CDSS

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GOVERNOR

April 24, 2013

ALL COUNTY LETTER (ACL) NO. 13-32

TO: ALL COUNTY WELFARE DIRECTORS
ALL CALFRESH COORDINATORS
ALL CaWORKs PROGRAM SPECIALISTS
ALL CONSORTIUM PROJECT MANAGERS
ALL QUALITY CONTROL PROGRAM COORDINATORS

SUBJECT: MODIFIED CATEGORICAL ELIGIBILITY/BROAD-BASED
CATEGORICAL ELIGIBILITY AND ELDERLY/DISABLED
CALFRESH HOUSEHOLDS

REFERENCE: WELFARE AND INSTITUTIONS CODE (WIC) SECTION 18901.5,
ACL NO. 12-62 DATED NOVEMBER 2, 2012, ACL NO. 11-11
DATED JANUARY 27, 2011, ACL NO. 09-24 DATED MAY 27,
2009

The purpose of this ACL is to provide County Welfare Departments (CWDs) with clarification regarding Modified Categorical Eligibility (MCE), known federally as Broad-based Categorical Eligibility (BBCE) for Elderly or Disabled (E/D) households.

Assembly Bill (AB) 433 (Chapter 625, Statutes of 2008) required the California Department of Social Services (CDSS) to establish a program of categorical eligibility "...to improve nutrition and promote the retention and development of assets and resources for needy households who meet all other [CalFresh] eligibility requirements." As stated in 7 CFR 273.2(j)(2)(ii)(B), the United States Department of Food and Agriculture, Food and Nutrition Services (FNS) allows states the option for households to have gross income up to 200 percent of the Federal poverty level (FPL) in order to have categorical eligibility conferred. E/D households are not subject to a gross income test for actual program eligibility and therefore, to comply with AB 433, E/D households, with gross income at or below 200% of the FPL, must be conferred MCE/BBCE status if they are issued or have online access to the "Family Planning - PUB 275" brochure. CWDs should refer to ACL 12-62 for MCE/BBCE examples of households that are non-E/D.

REASON FOR THIS TRANSMITTAL

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

The FNS identifies three types of categorical eligibility:

1. *Broad-based categorical eligibility* (BBCE): Refers to the policy that makes most households eligible for CalFresh benefits because the household receives a Temporary Assistance to Needy Families (TANF)/Maintenance of Effort (MOE)-funded service, such as a brochure or pamphlet.
2. *Narrow categorical eligibility*: Narrow categorical eligibility refers to the policy that makes a smaller number of households eligible through the receipt of a specific TANF/MOE-funded service such as child care or counseling. Both BBCE and Narrow categorical eligibility are for households not receiving a cash benefit, such as CalWORKs.
3. *Traditional categorical eligibility*: Traditional categorical eligibility refers to the mandatory policy that makes households eligible for CalFresh benefits because the household receives cash benefits through TANF (CalWORKs), or General Assistance.

On July 1, 2009, California implemented MCE for households with children under the age of 18 who would otherwise be eligible for CalFresh benefits, except for their exceeding the resource limit. MCE was conferred by providing the household with a TANF/MOE-funded service. The TANF/MOE-funded service for MCE is the "Family Planning – PUB 275" brochure. MCE was expanded to all Non-Assistance CalFresh (NACF) households on February 1, 2011.

Receipt of the PUB 275 exempts all resources in the determination of eligibility for households **who meet all other CalFresh eligibility requirements**. In California, 200% of the FPL has been established as the maximum gross income that an E/D household (for the TANF-funded service, the PUB 275) can have in order to have MCE/BBCE conferred through receipt of the PUB 275. Receipt of the PUB 275 does not, in itself, confer MCE/BBCE to a household. Counties must document the case record, or otherwise identify the case, as MCE/BBCE for quality control purposes. In addition, the case must be re-evaluated and documented for MCE/BBCE at recertification.

Elderly or Disabled Household Examples

Example 1

An E/D household comes into the CWD and receives an application packet (or completes an online application). Included in the application packet (or on a linked website) is the PUB 275 (Family Planning brochure).

During the intake interview, it is determined the household has gross income that does not exceed 200% of the FPL for its household size. Therefore, the household can be

considered MCE/BBCE-eligible because the gross income did not exceed the maximum allowable for the TANF-funded service and they have received the PUB 275.

The individual case record must first document (1) the household's gross income did not exceed the limit for the TANF-funded service (PUB 275), (2) the PUB 275 was provided to the household and (3) that MCE/BBCE was conferred.

Example 2

An E/D household comes into the CWD and receives an application packet (or completes an online application). Included in the application packet (or on a linked website) is the PUB 275 (Family Planning brochure).

During the intake interview, it is determined the household has gross income that exceeds 200% of the FPL for its household size. Therefore, even though the household has received the PUB 275, it cannot be considered to be MCE/BBCE-eligible because the gross income exceeds the maximum allowable for the TANF-funded service.

The household must now be evaluated for CalFresh based on **all** eligibility factors. If the household has countable resources that exceed the maximum amount allowable (\$3,250) for an E/D household, the application must be denied. E/D households are not subject to a gross income test in the determination of CalFresh eligibility. However, if the household's resources do not exceed the maximum, the household must be net income eligible to receive CalFresh benefits. If the household's **net** income exceeds the maximum amount allowable, the application must be denied. The individual case record must first document that the household's gross income exceeded the limit for the TANF-funded service (PUB 275) and that MCE/BBCE was not conferred, even if the PUB 275 was provided to the household.

NOTE:

Households of one or two persons that have been conferred MCE/BBCE status will be entitled to the minimum CalFresh benefit even though the household's net income exceeds the maximum allowable for their household size. In addition, households of three or more persons that have been conferred MCE/BBCE status will be entitled to the allotment amount indicated in the tables of benefit issuance by household size even if the household's net income exceeds the maximum amount allowable.

If you have any questions regarding this letter, please contact your CalFresh county analyst or call the CalFresh Policy Bureau at (916) 654-1896.

Sincerely,

Original Document Signed By:

TODD R. BLAND

Deputy Director

Welfare to Work Division