

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



ERRATA

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: AMENDED CALIFORNIA FOOD ASSISTANCE PROGRAM (CFAP)
REGULATIONS AND AMENDED FEDERAL FOOD STAMP REGULATIONS

REFERENCE: ACIN I-13-99 (ADVANCE COPY)

The purpose of this errata is to send the regulations that were affected by amendments to CFAP by Assembly Bill 2779, and to the Federal Food Stamp Program by the Agricultural Research, Extension, and Education Reform Act of 1998 (AREERA). The regulations inadvertently were not included with the advance copy of the ACIN. We apologize for any inconvenience this might have caused.

Adopt Section 63-031 to read:

63-031 IMPLEMENTATION OF AMENDED CALIFORNIA FOOD 63-031
ASSISTANCE PROGRAM (CFAP) REGULATIONS AND
PUBLIC LAW (P.L.) 105-185 (AREERA)

- .1 CWDs shall implement the provisions of the following amended and adopted CFAP regulations for applicants and recipients effective February 1, 1999. The CFAP becomes inoperative effective July 1, 2000, unless another statute deletes or extends this date. Sections affected by these revisions are as follows:

Sections 63-102c.(2); 63-403.1 and .11, 63-403.111(a), (b), (d), and (g) through (h), and .112; 63-403.12 et seq.; 63-403.2 and .3; and 63-411 et seq..

- .2 CWDs shall implement the provisions of the following amended and adopted Agricultural Research, Extension, and Education Reform Act of 1998 (AREERA) regulations for all new applicants effective upon the filing of these regulations with the Secretary of State. Restored benefits must be provided, as appropriate, back to November 1, 1998, or the date of application, whichever is later. Continuing cases may be converted at the household's request, at recertification, or when the case is next reviewed, whichever is later. The CWD may convert individuals participating in CFAP without making the household reapply if: (1) there is an application on file; (2) the CWD has sufficient information to determine eligibility and benefits; (3) the CWD ensures only individuals meeting federal Food Stamp (FS) eligibility standards are converted; and (4) the household's certification period extends beyond November 1, 1998. Members of these households who had not been receiving benefits, but are now eligible, may be entitled to restored benefits back to the November 1, 1998 date. Sections affected by these revisions are as follows:

Sections 63-405, and 63-405.1, 63-405.11 and .111, .112 and .112(a), .113 and .113(a), .114 and .114(a), .115, .116 and .116(a), .117 et seq., and .118; 63-405.12 et seq., 63-405.13 et seq.; 63-405.2 et seq.; 63-405.3 et seq.; 63-405.4 et seq.; 63-405.5 et seq.; 63-405.6; 63-405.7 et seq.; and 63-405.8 et seq..

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Public Law 105-185, Title V, Sections 503 through 510; and Sections 18901.7, 18930, 18930.5, and 18932, Welfare and Institutions Code (as added by AB 2779, Statutes of 1998).

Amend Section 63-102c.(2) to read:

63-102 DEFINITIONS (Continued)

63-102

c. (1) “Calendar month” (Continued)

- (2) “California Food Assistance Program (CFAP)” means the state program that provides Food Stamp Program Benefits to ~~adults who are at least 65 years of age and the children under the age of 18 who are legal non-citizens of the United States. These persons must have been~~ who were legally present in the United States prior to August 22, 1996, ~~except for those as specified in Section 63-403.12,~~ and have been determined ineligible for federal Food Stamp Program benefits due solely to their immigration status, as detailed in Section 63-405; ~~to be eligible for CFAP.~~
(Continued)

Authority Cited: Sections 10553, 10554, and 18904, Welfare and Institutions Code.

Reference: Sections 10554, 10830, and 18930 through 18934, Welfare and Institutions Code; 8 U.S.C.A. Section 1522(e); 42 U.S.C.A. 601, et seq.; and 42 U.S.C.A. 5122; 7 CFR 272.4(f); 7 CFR 273.1(c)(5); 7 CFR 271.2; 7 CFR 273.2, .2(j), and (j)(4); 7 CFR 273.5(a); 7 CFR 273.9(c)(1)(ii)(D); 7 CFR 273.11(a)(2)(iii); 7 CFR 273.16(c); 7 CFR 273.21(b); 7 CFR 274.3(a)(2); 7 CFR 2710.2; 45 CFR 401; 45 CFR 400.62; Public Law (P.L.) 100-77, Section 802; (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal. Feb. 1, 1990) [Dock. No. CV-89-0768]); Section 66011, Education Code; P.L. 102-237, Section 902; 7 U.S.C. 2014(c)(2)(B) and (k)(2)(F); U.S.D.A. Food and Nutrition Service Administrative Notice 94-39; Administrative Notice 97-44; Hamilton v. Madigan (9th Cir. 1992) 961 F.2d 838; Food Stamp Act Section 821, Section 6(k)(1); P.L. 104-193, Sections 805 and 827 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); and Federal Register Vol. 59, No. 224, dated November 22, 1994.

Amend Section 63-403 to read:

63-403 CALIFORNIA FOOD ASSISTANCE PROGRAM (CFAP)

63-403

.1 Eligibility

~~Adults at least 65 years of age and children under 18 years of age who are Legal~~ non-citizens of the United States (U.S.) shall be eligible for CFAP if they ~~were legally present in the U.S. prior to August 22, 1996, are not eligible for federal Food Stamp (FS) benefits, based solely on their immigration status under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and they~~ meet the following criteria:

.11 The non-citizen's immigration status meets the eligibility criteria of the federal Food Stamp Program (FSP) which were in effect on August 21, 1996;

.111 The criteria effective on that date follows:

- (a) Those lawfully admitted for permanent residence as immigrants as defined in Sections 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act (INA), including those provided with an affidavit of support to overcome Section 212 (a)(15) of the INA;
- (b) Those who entered the U.S. prior to January 1, 1972, or a later date as required by law, and have continuously maintained residency, and are ~~ineligible~~ for citizenship, ~~but~~ are considered to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General pursuant to Section 249 of the INA; (Continued)
- (d) Those who entered the U.S. as ~~refugees~~ asylees, pursuant to Section 208 of the INA; (Continued)
- (g) Those classified as aged, blind, or disabled in accordance with Section 1614(a)(1) of the Social Security Act, admitted for permanent or temporary residence pursuant to Section 245A(b)(1) and (h) of the INA; and
- ~~(h)~~ Those ~~granted temporary resident status pursuant to Section 245A of the INA at least five years prior to applying for food stamps, who subsequently attained permanent resident status;~~
- ~~(ih)~~ Those who, on or after June 1, 1987, were special agricultural workers admitted for temporary residence in accordance with Section 210(a) of the INA; ~~and.~~

~~(j) Those admitted for temporary residence as additional special agricultural workers in the period October 1, 1989 through September 30, 1993 in accordance with Section 210(a) of the INA.~~

.112 Non-citizens other than those described in Sections 63-403.111(a) - (j~~h~~), such as, but not limited to, visitors, tourists, diplomats, and students who enter the U.S. temporarily with no intention of abandoning their residence in a foreign country, shall not be eligible to participate in CFAP.

~~.12 The non-citizen was legally present in the United States prior to August 22, 1996; and~~

~~.13 The non-citizen is not eligible for federal Food Stamps, based solely on their immigration status as of August 22, 1996.~~

.12 Exception to the August 22, 1996 time limit:

The noncitizen who is otherwise eligible for CFAP but who entered the U.S. on or after August 22, 1996, shall only be eligible if he or she is sponsored and is able to provide verification that: a) The sponsor has died; b) The sponsor is disabled; or c) The applicant, after entry into the U.S. is a victim of abuse by the sponsor or the sponsor's spouse. For purposes of abuse, the following conditions apply:

.121 Abuse means battering or subjecting a victim to extreme cruelty by:

(a) Physical acts that resulted in or threatened to result in physical injury;

(b) Sexual abuse;

(c) Sexual activity involving a child in the home;

(d) Being forced to participate in nonconsensual sexual acts or activities;

(e) Threats of, or attempts at, physical or sexual abuse;

(f) Mental abuse;

(g) Neglect or deprivation of medical care; or

(h) Stalking.

.122 A sworn statement of abuse by a victim, or the representative of the victim if the victim is not able to competently swear, shall be sufficient to establish abuse if one or more additional items of evidence of abuse is also provided. Additional evidence may include, but is not limited to, the following:

- (a) Police, government agency, or court records or files;
- (b) Documentation from a domestic violence program, legal, clinical, medical, or other professional from whom the applicant or recipient has sought assistance in dealing with abuse;
- (c) A statement from any other individual with knowledge of the circumstances that provided the basis for the claim; or
- (d) Physical evidence of abuse.

.123 If the victim cannot provide additional evidence of abuse, then the sworn statement shall be sufficient if the county makes a determination, documented in writing in the case file, that the applicant or recipient is credible.

.2 Application of Existing Regulations

Current federal ~~Food Stamp Program~~ FSP regulations contained in the State ~~Food Stamp Program~~ FSP Manual (Division 63 of the CDSS Manual of Policies and Procedures) will apply to the CFAP and its participants unless otherwise stated. CFAP work requirements are provided in Section 63-411.

.3 Combined Households

For CFAP purposes, combined households are those which contain participants of the federal ~~Food Stamp Program~~ FSP and CFAP. No household shall receive more food stamp benefits under CFAP than it would have received if all members had remained eligible for the federal FSP.

Authority Cited: Sections 10553, 10554, and 18904, Welfare and Institutions Code.

Reference: Sections 11495.12, and 18930 through 18934, Welfare and Institutions Code; 7 CFR 273.4; Federal Register, Vol. 61, No. 202, dated 10/17/96; Federal Register, Vol. 52, No. 103, dated May 29, 1987; and USDA, Food and Consumer Service, Administrative Notice 97-105, dated August 21, 1997.

Amend 63-405 to read:

63-405 CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS

63-405

CWDS shall limit participation in the Food Stamp Program to individuals who are either United States (U.S.) citizens or eligible noncitizens.

For the purpose of qualifying as a ~~United States~~ U.S. citizen, the ~~United States~~ U.S. shall be defined as the 50 states and the District of Columbia, Puerto Rico, Guam, and the Virgin Islands. Additionally, citizens of American Samoa, Swain's Island and the Northern Mariana Islands who reside in the ~~United States~~ U.S. shall be considered to have met the citizenship eligibility requirements.

.1 Eligibility Requirements and Verification of Noncitizen Status

A noncitizen who is a lawful resident of the ~~United States~~ U.S. and meets the verification and eligibility requirements ~~for one of the following categories is eligible for to be a qualified noncitizen, as specified in Section 63-405.11, in addition to meeting one of the food stamp eligibility criteria as specified in Sections 63-405.12 and .13, is eligible for participation in the Food Stamp Program (FSP). Certain other noncitizens may be eligible for food stamp benefits as specified in Section 63-405.2.~~

.11 A QUALIFIED NONCITIZEN IS:

.111 Lawfully admitted to the ~~United States~~ U.S. for permanent residence under the Immigration and Nationality Act (INA). ~~+++~~ Acceptable Immigration and Naturalization Service (INS) documentation: (Continued)

.112 ~~Eligibility Requirements:~~ A refugee under Section 207 of the INA. Acceptable INS documentation:

(a) ~~Entered the U.S. as a refugee under Section 207 of the INA within the last five years; or~~ INS Form I-94 annotated with Section 207 of the INA.

~~(b).~~113

~~Was granted An asylum~~ under Section 208 of the INA, within the last five years; or Acceptable INS documentation:

(a) INS Form I-94 annotated with Section 208 of the INA.

~~(c).~~114

A noncitizen who h~~Had~~ deportation withheld under Section 243(h) of the INA (before April 1, 1997, or under Section 241(b)(3) of the INA on or after April 1, 1997), within the last five years; or Acceptable INS documentation:

- (a) INS Form I-94 annotated with Section 243(h) of the INA, if dated prior to April 1, 1997, or Section 241 (b)(3) of the INA, if dated on or after April 1, 1997.

~~(d)~~.115

A Cuban or Haitian entrant ~~within the last five years;~~ or as defined in 501(e) of the Refugee Education Assistance Act of 1980.

- ~~(e) An Amerasian immigrant within the last five years; or~~

[~~(f) Renumbered to Section 63-405.3]~~

[~~(g) Renumbered to Section 63-405.4]~~

.116 A conditional entrant under Section 203(a)(7) of the INA as in effect prior to April 1, 1980. Acceptable INS documentation:

- (a) INS Form I-94 annotated with “Paroled as a refugee,” or “Paroled as an asylee.”

.117 A parolee under Section 212(d)(5) of the INA for at least one year. Acceptable INS documentation:

- (a) INS Form I-94 annotated with Section 212(d)(5) or Section 207;
- (b) INS Form I-512 annotated with Section 212(d)(5);
- (c) INS Form I-551 annotated with M93; or
- (d) INS Form I-688B annotated with Section 274a.12(a)(4) or (c)(11).

.118 A battered spouse and/or unmarried dependent child and/or child of a battered parent as specified in Handbook Section 63-405.5.

- ~~.12 A refugee under Section 207 of the INA.~~
 - ~~.121 Acceptable Immigration and Naturalization Service (INS) documentation:~~
 - ~~(a) INS Form I-94 annotated with Section 207 of the Immigration and Naturalization Act (INA).~~
 - ~~.122 Eligibility requirements:~~
 - ~~(a) Was granted that status within the last five years; or~~
 - ~~(b) Is a veteran as specified in Section 63-405.112(f).~~
- ~~.13 An asylee under Section 208 of the INA.~~
 - ~~.131 Acceptable Immigration and Naturalization Service (INS) documentation:~~
 - ~~(a) INS Form I-94 annotated with Section 208 of the INA.~~
 - ~~.132 Eligibility Requirements:~~
 - ~~(a) Was granted asylum within the last five years; or~~
 - ~~(b) Is a veteran as specified in Section 63-405.112(f).~~
- ~~.14 Had deportation withheld under Section 243(h) of the INA before April 1, 1997, or under Section 241(b)(3) of the INA, on or after April 1, 1997.~~
 - ~~.141 Acceptable Immigration and Naturalization Service (INS) documentation:~~
 - ~~(a) INS Form I-94 annotated with Section 243(h) of the INA, if dated prior to April 1, 1997, or Section 241(b)(3) of the INA, if dated on or after April 1, 1997.~~
 - ~~.142 Eligibility requirements:~~
 - ~~(a) Had deportations withheld within the last five years; or~~
 - ~~(b) Is a veteran as specified in Section 63-405.112(f).~~
- ~~.15 A Cuban or Haitian entrant.~~
 - ~~.151 Eligibility requirements:~~
 - ~~(a) Was granted that status within the last five years; or~~

- (b) ~~Is a veteran as specified in Section 63-405.112(f).~~
- ~~.16 An Amerasian immigrant.~~
- ~~.161 Eligibility Requirements:~~
 - (a) ~~Was granted that status within the last five years; or~~
 - (b) ~~Is a veteran as specified in Section 63-405.112(f).~~
- ~~.17 A conditional entrant under Section 203(a)(7) of the INA.~~
- ~~.171 Acceptable Immigration and Naturalization Service (INS) documentation:~~
 - (a) ~~INS Form I-94 annotated with “Paroled as a refugee”, or “Paroled as an asylee.”~~
- ~~.172 Eligibility requirements:~~
 - (a) ~~Is a veteran as specified in Section 63-405.112(f).~~
- ~~.18 A parolee under Section 213(d)(5) of the INA.~~
- ~~.181 Acceptable Immigration and Naturalization Service (INS) documentation:~~
 - (a) ~~INS Form I-94 annotated with Section 212(d)(5) or Section 207;~~
 - (b) ~~INS Form I-512 annotated with Section 212(d)(5);~~

(c) ~~INS Form I-551 annotated with M93; or~~

(d) ~~INS Form I-688B annotated with Section 274a.12(a)(4) or (c)(11);~~

~~.182 Eligibility requirements:~~

(a) ~~Granted parolee status for at least one year, and is a veteran as specified in Section 63-405.112(f).~~

~~.19 A battered spouse and/or child:~~

~~.191 Eligibility requirements:~~

(a) ~~Is a spouse or unmarried dependent child of a veteran or active duty person as specified in Section 63-405.112(f).~~

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~~See battered spouse and/or child eligibility requirements in Exhibit B to Attachment 5 of the Department of Justice guidelines contained in Federal Register, Volume 62, No. 221, dated November 17, 1997.~~

HANDBOOK ENDS HERE

.12 TIME LIMITED FOOD STAMP ELIGIBILITY CRITERIA. The following noncitizens are only eligible for seven years after admitted or granted status and if they meet one of the qualifications under Section 63-405.11.

.121 A refugee under Section 207 of the INA.

.122 An asylee under Section 208 of the INA.

.123 Had deportation withheld under Section 243(h) of the INA before April 1, 1997, or under Section 241(b)(3) of the INA, on or after April 1, 1997.

.124 A Cuban or Haitian entrant under 501(e) of the Refugee Education Assistance Act of 1980; or;

.125 An Amerasian immigrant under 584 of the Foreign Operations, Export Financing and Related Program Appropriations Act, 1988.

.13 INDEFINITE FOOD STAMP ELIGIBILITY CRITERIA. The following noncitizens are eligible indefinitely, but only if they meet one of the qualifications under Section 63-405.11:

.131 Who is lawfully admitted to the U.S. for permanent residence and can be credited with 40 qualifying quarters of coverage as specified in Section 63-405.4.

.132 A veteran, or the spouse, or unmarried dependent child of a veteran, or the unremarried surviving spouse of a veteran, as specified in Section 63-405.3.

.133 Was lawfully residing in the U.S. on August 22, 1996 and is under 18 years of age.

.134 Was lawfully residing in the U.S. on August 22, 1996 and disabled or blind but not if receiving SSI.

.135 Was lawfully in the U.S. and 65 years or older on August 22, 1996.

.2 The following noncitizens are eligible for food stamp benefits, even if they are not qualified noncitizens as specified in Section 63-405.11, and they are eligible for an indefinite period of time.

.21 An individual who:

.211 Was a member of a Hmong or Highland Laotian tribe at the time that the tribe rendered assistance to U.S. personnel by taking part in a military or rescue operation during the Vietnam era (as defined in 38 U.S.C. 101). Is lawfully residing in the U.S. and/or is:

(a) The spouse or an unmarried dependent child of such an individual as specified in Section 63-405.211.

(b) The unremarried surviving spouse of such an individual as specified in Section 63-405.211 who is deceased.

.22 An individual who is:

.221 A member of an Indian tribe (as defined in Section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(a) Section 63-405.221 includes Native Americans who are entitled to cross the border into Canada or Mexico.

.222 An American Indian born in Canada to whom the provisions of Section 289 of the INA (8 U.S.C. 1359) apply.

~~(f).~~3 ~~Is a~~ A veteran, a person on active duty in the U.S. armed forces, ~~or is the spouse, or unmarried dependent child of a veteran, or active duty person, including a deceased veteran or active duty person, in the U.S. armed forces~~ is eligible. The spouse, or unmarried dependent child, or unremarried surviving spouse of a deceased veteran or active duty person is also eligible. (Continued)

~~(f).~~31 (Continued)

~~(A).~~311 (Continued)

~~(B).~~312 (Continued)

~~(2).~~32 (Continued)

~~(A).~~321 (Continued)

or

~~(g).~~4 A noncitizen who can be credited with 40 quarters of work ~~H~~has 10 years (40 credits formerly identified as “quarters of coverage”) of qualifying employment; or can be credited with such qualifying credits of employment through parents (before the applicant turned 18) and/or spouse (for work performed during their marriage and the noncitizen remains married to such spouse or such spouse is deceased) is eligible. One credit equals one calendar quarter of qualifying employment. Beginning with the first quarter of 1997, no credit shall be countable if the individual who earned it received any federal means-tested public benefits. Qualifying credits of employment shall be verified: (Continued)

~~(f).~~41 (Continued)

~~(A).~~411 (Continued)

~~(B).~~412 (Continued)

~~(C).~~413 (Continued)

~~(2).~~42 (Continued)

~~(3).~~43 (Continued)

- (4).44 If upon further review SSA cannot establish additional earnings and the ~~alien~~ noncitizen does not have at least 40 qualifying credits, the CWD shall establish an inadvertent household error claim for over issuance for the months food stamps were received.

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.5 Treatment of Certain Battered Noncitizens as Qualified Noncitizens as specified in Section 63-405.118. For purposes of this section, the term “qualified noncitizen” includes:

.51 A noncitizen:

.511 Who has been abused, as specified in Section 63-403.121, in the U.S. by a spouse or a parent, or by a member of the spouse or parent’s family residing in the same household as the noncitizen and the spouse or parent consented to, or acquiesced in, such battery or cruelty, but only if (in the opinion of the agency providing such benefits) there is a substantial connection between such battery or cruelty and the need for the benefits to be provided; and

.512 Who has been approved or has a petition pending which sets forth a prima facie case for:

- (a) Status as a spouse or a child of a U.S. citizen pursuant to clause (ii), (iii), or (iv) of Section 204(a)(1)(A) of the INA;
- (b) Classification pursuant to clause (ii) or (iii) of Section 204(a)(1)(B) of the INA;
- (c) Suspension of deportation and adjustment of status pursuant to Section 244(a)(3) of the INA; or
- (d) Status as a spouse or child of a U.S. citizen pursuant to clause (i) of Section 204(a)(1)(A) of such Act, or classification pursuant to clause (i) of Section 204(a)(1)(B) of the INA.

.52 A noncitizen:

.521 Whose child has been abused, as specified in Section 63-403.121, in the U.S. by a spouse or a parent of the noncitizen (without the active participation of the noncitizen in the battery or cruelty), or by a member of the spouse or parent’s family residing in the same household as the noncitizen and the spouse or parent consented or acquiesced to such battery or cruelty, and the noncitizen did not actively participate in such battery or

cruelty, but only if (in the opinion of the agency providing such benefits) there is a substantial connection between such battery or cruelty and the need for the benefits to be provided; and

.522 Who meets a requirement as specified in Section 63-405.512.

.53 A noncitizen child:

.531 Who resides in the same household as a parent who has been abused, as specified in Section 63-403.121, in the U.S. by that parent's spouse or by a member of the spouse's family residing in the same household as the parent and the spouse consented or acquiesced to such battery or cruelty, but only if (in the opinion of the agency providing such benefits) there is a substantial connection between such battery or cruelty and the need for the benefits to be provided; and

.532 Who meets a requirement as specified in Section 63-405.512.

This subsection shall not apply to a noncitizen during any period in which the individual responsible for such battery or cruelty resides in the same household or family eligibility unit as the individual subjected to such battery or cruelty.

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.2.6 Other noncitizen provisions and procedures not superseded by Section 63-405 remain in effect.

.3.7 Responsibilities of Sponsored Noncitizens

~~For a period of three years from the noncitizen's date of entry or date of admission as a lawful permanent resident, t~~The sponsored noncitizen shall be responsible for the following:

.3.71 (Continued)

.3.72 (Continued)

.3.73 (Continued)

.3.74 (Continued)

~~4.8~~ Reporting of Illegal Noncitizens

The CWD shall immediately inform the local INS office whenever personnel responsible for the certification or recertification of households discovers that an applicant or a household member is under an order of deportation. For purposes of this section, the term household member shall mean a person whose name appears on the application or other documents and who would have been a food stamp household member except for his/her noncitizen status. When ~~any person~~ household member indicates inability or unwillingness to provide documentation of noncitizen status ~~for any household member~~, that ~~person-member~~ shall be classified as an ineligible noncitizen. In such cases the CWD shall not continue efforts to obtain such documentation. The ineligible noncitizen's income and resources shall be available to the household as specified in Section 63-503.44. CWD disclosure to INS shall be deemed to be within the administration of the ~~Food Stamp Program~~ FSP as described in Section 63-201.3.

~~4.81~~ For reporting purposes, reliable sources of information regarding orders of deportation shall be limited to:

~~4.811~~ The noncitizen's or other household member's admission.

~~4.812~~ Food stamp documents, or

~~4.813~~ Presentation of INS documents showing that the noncitizen is under an order of deportation.

Authority Cited: Sections 10553, 10554, and 18904, Welfare Institutions Code.

Reference: Sections 10554 and 18904, Welfare and Institutions Code; 7 CFR 273.2(j)(3) and (4); 7 CFR 273.4(a)(8); 7 CFR 273.10(b); 7 CFR 273.6; U.S.D.A. Food and Nutrition Service Administrative Notice (AN) 92-30; Federal Register, Vol. 56, No. 233, page 63594; Federal Register, Vol. 62, No. 202, dated October 20, 1997; Public Law 104-193, Section 402 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); Public Law 105-185, Title V, Sections 503 through 510; AN 96-47; AN 96-48 (Part A, page 6); AN 96-55; AN 97-02; AN 97-13; AN 97-44; AN 97-82; AN 97-103; AN 97-107; AN 98-13; AN 98-21; ~~and~~ AN 98-30; AN 98-28; and AN 98-79.

Adopt Section 63-411 to Read:

63-411 CFAP WORK REQUIREMENTS

63-411

.1 Work Requirement Defined

As a condition of eligibility, CFAP recipients who are not exempt in accordance with Section 63-411.2 must participate as follows:

.11 CFAP recipients who are also CalWORKs recipients must comply with Welfare-to-Work (WTW) requirements contained in MPP Chapter 42-700.

.12 CFAP recipients who do not receive CalWORKs, including persons under a WTW sanction, must work in subsidized or unsubsidized employment for the number of hours equal to the minimum level of participation established for WTW participants at Section 42-711.4.

.121 Employment means work that is compensated at least at the applicable state or federal minimum wage. If neither wage rate applies, the work must be compensated in an amount equivalent to the lesser of the two.

(a) Subsidized employment means employment in which the CFAP recipient's employer is partially or wholly reimbursed for wages and/or training costs.

.2 Exemptions

.21 All WTW exemptions at Section 42-712 apply to CFAP recipients identified in Section 63-411.11.

.22 A NonCalWORKs CFAP recipient identified in Section 63-411.12 is exempt from the CFAP work requirement if he/she is:

.221 Disabled;

.222 Sixty years of age or older;

.223 A child under 16 years of age (See Section 42-712.41); or

.224 An individual 16, 17, or 18 years of age who is attending full-time, a school in grade twelve or below, a vocational school, or technical school (See Section 42-712.42).

.23 In addition to the exemptions identified in Section 63-411.22, migrant and seasonal farm workers who are not receiving CalWORKs benefits are exempt from the CFAP work requirement if they receive unemployment compensation or their county of residence determines that a sufficient amount of appropriate farm work is not available.

.3 Noncompliance with CFAP Work Requirement

.31 An individual must be meeting the CFAP work requirements identified in Section 63-411.1 in order to be approved for CFAP benefits unless he/she is exempt under Section 63-411.2. A nonexempt CFAP recipient shall lose eligibility if at anytime he/she fails to comply with these requirements.

.32 Continued compliance is determined through current federal FSP reporting requirements as specified in Sections 63-504.3 and/or 63-504.4.

.33 The provisions of the Food Stamp Employment and Training (FSET) Program (Section 63-407), the Able-Bodied Adult without Dependents (ABAWD) work requirement (Section 63-410), and Voluntary Quit (Section 63-408) do not apply to CFAP recipients.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 18930.5 (as added by AB 2779, Statutes of 1998, Section 35) and Article 3.2 of Chapter 2 of Part 3 of Division 9, Welfare and Institutions Code.