



CDSS

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April 22, 2010

ERRATA

ALL COUNTY LETTER NO. 10-22E

REASON FOR THIS TRANSMITTAL

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

TO: ALL COUNTY WELFARE DIRECTORS
 ALL CalWORKs PROGRAM SPECIALISTS
 ALL COUNTY FISCAL OFFICERS
 ALL COUNTY CHILD CARE PROGRAM COORDINATORS
 ALL COUNTY WELFARE-TO-WORK COORDINATORS
 ALL COUNTY CONSORTIUM PROJECT MANAGERS
 ALL REFUGEE PROGRAM COORDINATORS

SUBJECT: ERRATA TO THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES
 EMERGENCY CONTINGENCY FUND: NON-RECURRENT SHORT-
 TERM BENEFITS ALL COUNTY LETTER

The purpose of this errata is to clarify the requirement to determine TANF ECF eligibility for needy families if the subsidized employment slot is for more than 12 months. In those situations, the county will need to re-determine TANF ECF eligibility no less than annually. Please replace page 4 of ACL 10-22 with this attached revised page.

Sincerely,

Original Document Signed By:

CHARR LEE METSKER
 Deputy Director
 Welfare to Work Division

Enclosure

- Any SE wages received will be excluded as income for the family when determining if the needy family has income less than 200 percent of the FPL.
- The family shall be considered eligible during the ECF SE and NSTB periods based on this initial eligibility determination. However, a family's eligibility will be determined no less often than annually, if the ECF SE slot is over 12 months in duration.

CWDs must use the most current FPL guidelines available when determining needy family eligibility. See **Attachment 2** for the 2009 FPL guidelines. Counties will need to use the 2010 FPL guidelines when they become available.

NSTB Requirements

The TANF regulations at 45 CFR 260.31(b)(1) and state law requirements at WIC Section 10545 define NSTB as non-assistance activities/payments and require that they are:

- Designed to deal with a specific crisis situation or episode of need;
- Not intended to meet recurrent or ongoing needs; and
- The benefits will not extend beyond four months.

Non-assistance benefits that are provided for an ongoing period in excess of four months do not qualify as TANF ECF NSTB and counties cannot claim four months' worth of expenditures for those types of benefits. For example, if a needy family is receiving counseling for six months under their family reunification plan, the counties cannot claim four months of counseling as a TANF ECF NSTB.

All types of benefits provided by the counties as non-recurrent short-term must address a family's specific crisis or episode of need in accordance with federal requirements as stated in 45 CFR 260.31(b)(1). Families can receive multiple NSTB, but each service or benefit must meet the federal criteria. The counties are reminded that any type of benefit or service designed to meet a family's ongoing basic needs are not allowable NSTB for TANF ECF purposes. For example, NSTB funds cannot be used for ongoing utilities, but a one-time utility voucher is allowable.

Examples of services or benefits that can be provided as an NSTB, if they otherwise meet the criteria listed above are provided in **Attachment 3**.

Counties should carefully design TANF ECF NSTB programs with the following limitations in mind:

- TANF ECF is time-limited, and state and federal authority for this program is scheduled to end on September 30, 2010. Only actual expenditures incurred through September 30, 2010 will be reimbursed with federal TANF ECF.
- Other non-TANF federal funds cannot be used to match TANF ECF or to meet the base funding amount to qualify for TANF ECF.
- TANF ECF is capped at \$5 billion nationwide and is awarded on a first-come first-served-basis; therefore, it is conceivable TANF ECF funding could run out prior to September 30, 2010. However, CDSS and CWDA will be monitoring expenditures closely and will keep counties apprised if it appears TANF ECF funds are at risk of running out.