



CDSS

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Regulation Package # 0806-05

CDSS MANUAL LETTER NO. FS-08-04

TO: HOLDERS OF THE FOOD STAMP MANUAL, DIVISION 63

Regulation Package # 0806-05

Effective 9/1/08

Section 63-301

This manual letter has been posted on the Office of Regulations Development website at http://www.dss.cahwnet.gov/ord/FoodStamps_618.htm.

Existing law provides for the Food Stamp Program (FSP), under which each county distributes food stamp benefits to eligible households. The FSP is designed to promote the general welfare, and safeguard the health and well-being of the nation's population raising the levels of nutrition among low-income households. Therefore, it is necessary that the California Department of Social Services (CDSS) be in compliance with state and federal regulations to ensure the continued service to these households.

Currently, the state regulations at Manual of Policies and Procedures Section 63-301.546 specify that when an application for food stamp benefits is received after the 15th of the month and a household is determined to be entitled to Expedited Services and verification is postponed, the county welfare department (CWD) shall issue the second months benefits within five working days from receipt of the verification or the first day of the second calendar month, whichever is later.

State regulations are in conflict with federal regulations at 7 CFR 273.2(i)(4)(iii)(C) that specify "When a household is entitled to expedited services and applies after the 15th of the month and verification is postponed, the household must be given the first and second allotment on an expedited basis." Therefore, CDSS is not in compliance with current federal regulations and the regulation changes are necessary to adhere to state law.

Additionally, it will be necessary to add language in the form of a handbook example to instruct the CWD how to proceed when the verification is received within the allotted timeframe.

These regulations were considered at the public hearing held on June 13, 2007.

FILING INSTRUCTIONS

Revisions to all manuals are indicated by a vertical line in the left margin. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Food Stamp Manual changes was FS-08-02. There has not been a manual letter No. FS-08-03 issued.

Page(s)

138 and 139
148 and 148.1

Replace(s)

Pages 138 and 139
Pages 148 and 148.1

Attachment

NH

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued)**63-301**

- (1) Migrant households shall receive the second months benefits if the only missing verification is from an out-of-state source. However, the out-of-state verification shall be completed within 60 days following the date the application was filed or if not the household's participation shall be terminated.
 - (2) A household with an unverified child support obligation and/or amount of child support paid shall not be terminated, but instead have its eligibility and benefit level determined without a child support deduction as specified in Section 63-300.51(j).
- (b) The individual household member's participation shall be terminated if proof of alien or student status has not been provided or if a SSN or proof that one has been applied for has not been provided within 30 days following the date the application was filed. Benefits to the remaining household members shall be recalculated and issued as otherwise eligible.
- (1) Migrant household members shall be treated as specified in Section 63-301.545(a)(1), if the missing verification is from an out-of-state source.
- (c) If verification results in changes in the household's eligibility or level of benefits, the CWD shall act on those changes without advance notice.

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued)**63-301**

- .546 Households which apply for benefits after the 15th of the month and have been determined eligible to receive benefits for the initial month and the subsequent month but have had their verification postponed shall receive both allotments at the same time, in accordance with Section 63-503.16.

HANDBOOK BEGINS HERE

- (a) When a household has provided the required postponed verification, the CWD shall issue the third month's benefits within five working days from receipt of the verification or by the first day of the third month, whichever is later. For staggered issuance this shall be the first working day of the third month. If verification is not provided before the end of the third month, the CWD shall terminate the household's participation and shall issue no further benefits. This shall also apply to migrant farmworker households needing out-of-state verification as outlined in Section 63-301.545(a)(1).

HANDBOOK ENDS HERE

- .547 Migrant farmworker households shall be entitled to postpone out-of-state verification only once each migrant farm season.
- (a) The CWD shall grant a postponement of the out-of-state verification for only the initial month, if a migrant farmworker household requesting expedited service has already received this exception during the current migrant farm season.
- (b) For purposes of this section, a migrant farm season is defined as having a clear beginning point and ending point between which migrant farmworkers travel. When they are not migrating to work they are residing at one location which they regard as home. In this case, the season would be the period during which the migrants are traveling to work. If a migrant farmworker travels constantly with no break period, the season shall be considered the calendar year.
- .548 There is no limit to the number of times a household can be certified under expedited service procedures, as long as prior to each expedited certification, the household either completes the verification requirements that were postponed at the last expedited certification or was certified under normal processing standards since the last expedited certification.
- .549 Households requesting, but not entitled to expedited service shall have their applications processed according to normal standards.

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued) 63-301

.825 The following individuals shall not be included as a member of an otherwise categorically eligible household if that person:

- (a) Is disqualified for intentional Program violation;
- (b) Is not the head of household and disqualified for failure to comply with the work requirements specified in Section 63-407.1;
- (c) Fails to provide or apply for a social security number;
- (d) Is an ineligible alien;
- (e) Is an ineligible student;
- (f) Is an SSI recipient; or
- (g) Is institutionalized in a nonexempt facility as specified in Section 63-402.4.

.9 Mixed Food Stamp Households

Mixed food stamp (FS) households are FS applicant households in which some, but not all, members are in the PA assistance unit (AU).

.91 CWDs may use the joint application processing procedures in Section 63-301.6 for mixed FS households. This decision shall not be made on a case-by-case basis, but shall be applied uniformly to all households of this type in the county.

.92 Mixed FS households shall not be considered categorically eligible for food stamp benefits.

.93 CWDs shall exclude any resource of FS household members receiving PA. If a resource is jointly held by a Food Stamp household member who is receiving PA and a Food Stamp household member who is not receiving PA, then exclude the amount that was counted in determining the PA eligibility.

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued)**63-301**

.94 Mixed FS households must meet the food stamp gross and net income standards of eligibility.

NOTE: Authority cited: Sections 10554, 11265.1, .2, and .3, 18904, and 18910, Welfare and Institutions Code. Reference: Sections 10554, 11265.1, .2, and .3, 18901, 18904, and 18910, Welfare and Institutions Code; Section 11349.1, Government Code; 7 Code of Federal Regulations (CFR) 271.2; 7 CFR 272.3(c)(1)(ii); 7 CFR 273.2(d)(1), (e)(3), (h)(1)(C), (h)(1)(i)(B) and (D), (h)(2)(i)(A), (i)(4)(iii)(B), (C) and (D),(j), (j)(1), (j)(1)(iv), (j)(2)(iii) and (iv), (j)(3), (j)(4), and (j)(4)(vi); 7 CFR 273.4; 7 CFR 273.7 and .7(g)(1)(i); 7 CFR 273.8(e)(17); 7 CFR 273.9(d)(7) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994; 7 CFR 273.10(c)(1) and (g)(1)(ii); 7 CFR 274.2; (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal. Feb. 1, 1990) [Dock. No. CV-89-0768].); Public Law (P.L.) 102-237, Sections 902 and 905, as specified in Federal Administrative Notice 92-12, dated January 9, 1992; USDA, Food and Consumer Service, Administrative Notice 97-105, dated August 21, 1997; and P.L. 104-193, Sections 815 and 838 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); Food and Consumer Service Waiver dated May 24, 1996; Food and Nutrition Service Quarterly Reporting/Prospective Budgeting waiver dated April 1, 2003; Federal Food Stamp Policy Memos 82-9 dated December 8, 1981, and 88-4 dated November 13, 1987, and Federal Register, Vol. 66, No. 229, dated November 28, 2001.