
**FOOD STAMP REGULATIONS
COURT CASES**

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.1 Background

The Jones v. Yeutter lawsuit challenged the policy which required the retrospective budgeting of county welfare department (CWD) paid grants when the CWD was unable to budget them prospectively in the beginning months of Food Stamp Program participation. On June 19, 1989, the plaintiffs amended the lawsuit to challenge the treatment of all additional or corrective payments from AFDC and general assistance/general relief (GA/GR) (i.e., assistance payments from state and local programs). A court-approved Partial Settlement Agreement among all parties to the lawsuit was signed on February 1, 1990. The Partial Settlement Agreement provides that during the Food Stamp household's beginning months, additional or corrective payments that cannot be budgeted prospectively are not to be budgeted retrospectively. In addition, the partial settlement agreement requires that all initial PA payments and any subsequent regular monthly PA payments shall not be budgeted retrospectively when received by ongoing Food Stamp households.

A second issue developed as a result of the lawsuit. FNS informed California that there is no authority for a state to prospectively count assistance payments from state or local funds in a monthly reporting/retrospective budgeting system. This includes county GA/GR payments as well as State-only AFDC payments. SDSS requested a waiver to allow the state to continue budgeting these payments prospectively. On October 20, 1989, FNS approved California's waiver to continue budgeting these payments prospectively and to exclude GA additional and corrective payments as income when unable to budget these payments prospectively. The Partial Settlement Agreement requires SDSS to adopt emergency regulations and requires that CWDs restore benefits to affected Food Stamp households.

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.2 Definitions

For the purposes of these regulations:

- .21 "Claim form" means that portion of the Informing Notice/Claim Form [TEMP 1770 (6/90)] designed by SDSS. The form must be completed, signed, and returned to the appropriate CWD for determination of a claimant's eligibility for retroactive benefits.
- .22 "Class members" means all food stamp eligible households receiving PA, State-only AFDC, and/or GA/GR which are or have been subject to reduction or suspension of food stamps as a result of the application of the additional/corrective payment policy. The class is further defined to include a subclass, defined as all such households which, during the initial months of their participation in the Food Stamp Program are or have been subject to reduction or suspension of food stamps as a result of the budgeting in the same month of the grant for the current month and the grant for a prior month, which previously had been disregarded because of uncertainty as to amount or time of receipt.
- .23 "Claim period" means the two-month period of time which begins two calendar months after the effective date of these emergency regulations.
- .24 "Retroactive period" means:
- .241 The period of time between December 2, 1988 and February 17, 1989, when food stamp benefits were reduced or suspended because a PA payment received in a beginning month was budgeted retrospectively or when households were assessed an overissuance because a PA payment was not budgeted retrospectively; or
- .242 The period of time between June 16, 1988 and April 1, 1990, when food stamp benefits were reduced or suspended because a State-only AFDC or GA/GR payment was budgeted retrospectively or when households were assessed an overissuance because a State-only AFDC or GA/GR payment was not budgeted retrospectively.

63-1301 JONES V. YEUTTER RETROACTIVE COURT CASE (Continued) 63-1301

.5 Application for Retroactive Benefits

.51 Claimant Responsibilities

.511 The claim form shall be considered complete when the claimant has answered all the questions, provided a name, address, social security number (SSN), and signed and dated the claim form.

.512 The claimant shall submit the claim form to the CWD in the county where food stamp benefits were reduced, suspended or where an overissuance was assessed during the time period(s) for which retroactive benefits are being claimed.

.513 The claim form shall be submitted within the two-month claim period. Unless the evidence indicates otherwise, the date the claim form is submitted shall be determined as follows:

- (a) The postmark date on the envelope when the claim is mailed to the CWD; or
- (b) The date stamped on the claim form by the CWD when the claim is delivered in person to the CWD; or
- (c) The date the claim form was signed by the claimant, when the date cannot otherwise be determined.

.52 CWD Responsibilities

.521 The CWD shall stamp each claim form with the date of receipt and shall retain all envelopes postmarked after the end of the claim period.

.522 Claims submitted after the specified date shall be denied.

.6 Claim(s) Processing

.61 The CWD shall review each claim form to determine whether the claimant may be a class member and whether the claimant has provided a complete claim form.

.611 If the claimant answered "no" to all of the questions on the claim form, the claimant is not a class member and the CWD shall deny the claim without further review.

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FOOD STAMP REGULATIONS
FOOD STAMP IMPLEMENTATION SCHEDULE

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63-1401 IMPLEMENTATION OF SPECIAL MEDICAL/SHELTER DEDUCTIONS 63-1401

Counties shall implement the new excess medical expense, and excess shelter expense deductions promulgated by Public Law 96-58 to amend the Food Stamp Act of 1977. All eligible food stamp households containing a member who is (1) 60 years of age or older or (2) receiving disability payments under Title II of the Social Security Act will be entitled to these deductions.

- .1 Beginning January 1, 1980, counties shall implement the required program changes for all new applications and recertifications. Currently eligible households shall be converted to the new excess medical expense-deduction system at recertification, when they respond to the notice required in subparagraph .2 of this section, or when they otherwise request conversion. The CWD shall convert eligible households to the new shelter computation at the household's next recertification, recomputation or reported change if the household has not previously requested conversion.
- .2 The CWD shall provide notices explaining the changes and their applicability at all food stamp certification offices and shall mail or individually provide all currently certified households at least one notice prior to January 1, 1980. The notice shall advise the household of the availability of the new deductions and the procedures for reporting medical and shelter expenses. These notices shall be distributed no later than December 15, 1979. Notices shall also be available to public and general assistance offices. Posters explaining the changes shall be displayed in food stamp certification offices and shall be made available to public and general assistance offices.
- .3 For January and February, 1980, the CWD shall have up to 30 days from the date the household reports changes in medical and shelter costs to process such changes. The change shall be effective for the first issuance following that 30 day period, with retroactive benefits from the date the change would normally become effective under Section 63-504.32.
 - .31 The CWD may request an extension of processing time of up to 60 days to act on these changes. The CWD shall submit appropriate documentation to SDSS-FSPOB when an extension is requested.
 - .32 After January and February, 1980, the county shall act on these changes in accordance with the normal processing standards in Section 63-504.32.

63-1401 **IMPLEMENTATION OF SPECIAL MEDICAL/SHELTER DEDUCTIONS** **63-1401**
(Continued)

- .33 Verification of medical expenses required by Section 63-300.515 must be obtained prior to allowing the deductions. If the household does not provide verification, the household's benefits will not be adjusted to reflect the changes.

- .4 Households shall not be entitled to retroactive benefits pursuant to the application of special medical and shelter deduction for any period prior to January 1, 1980. For the initial months after implementation, if an extension of the processing time allowed pursuant to Section 63-001.31 is in effect, a household shall be entitled to benefits retroactive to the month the change would have become effective under the normal processing standards in Section 63-504.32. Retroactive benefits are not subject to reduction due to off-setting of claims. After this initial period, no household shall be entitled to retroactive benefits unless the CWD does not act on reported changes in accordance with the timeliness standards in Section 63-504.32 or the household is otherwise entitled under the provisions of Section 63-802.

- .5 Revised Sections 63-502.3, 503.3, and 505.2 shall be applied to all applicant households beginning with the effective date. Within 90 days of the effective date of the revisions, the entire caseload shall be converted to the revised medical expense-deduction system where applicable through desk reviews, recertifications, recomputations within the certification period, or when a household reports a change.

63-1402 **REPEAL OF OLD MANUAL MATERIAL** **63-1402**

Effective July 1, 1979, Chapters 63-1000 through 63-8000 of the old SDSS Food Stamp Manual are repealed and superseded by new Chapters 63-001 through 63-1000 of the SDSS Food Stamp Manual.

63-1403 IMPLEMENTATION OF STUDENT PARTICIPATION IN FOOD STAMP PROGRAM 63-1403

Counties shall implement the revised provisions on student eligibility for food stamps, promulgated by Public Law 96-249 to amend the Food Stamp Act of 1977 as follows:

- .1 Beginning September 1, 1980, counties shall implement the revised regulations on student participation (Sections 63-402.26, 406, and 407.29) for all new applicants.
- .2 Currently certified student households shall be converted to the revised regulations at time of recertification or at any time the casefile is reviewed prior to recertification.
- .3 Student member households applying for participation or recertification between August 1, and September 1, 1980, shall be assigned a certification period not to exceed three months in order to facilitate a conversion to the revised student regulations for these households no later than November 1, 1980.

63-1404 IMPLEMENTATION OF ENERGY ASSISTANCE PAYMENTS, EXCLUSIONS, REDUCTION OF THE RESOURCE LIMIT, RESOURCE EXCLUSION FOR VEHICLES FOR THE PHYSICALLY DISABLED AND TREATMENT OF UNLICENSED VEHICLES USED ON INDIAN RESERVATIONS 63-1404

Counties shall implement the provisions on energy assistance payments, the reduction of the resource limit, the resource exclusion for vehicles for the physically disabled and treatment of unlicensed vehicles used on Indian reservations, promulgated by Public Law 96-249 to amend the Food Stamp Act of 1977 as follows:

- .1 Beginning October 1, 1980, counties shall implement the revised eligibility regulations (Section 63-408.2, 501.3(c), 501.3(k)(7), 501.5, 501.52, 501.64, 502.2(j)(7), 505.215) for all new applicants.
- .2 Currently certified households shall be converted to the revised regulations at time of recertification or at any time the casefile is reviewed prior to recertification.

63-1405 IMPLEMENTATION OF TREATMENT OF PAYMENTS RECEIVED PURSUANT TO SETTLEMENT OF UNDERWOOD V. HARRIS 63-1405

Counties shall implement the revised policy effective September 26, 1980 for the treatment of payments received pursuant to the settlement of Underwood v. Harris as follows:

- .1 Upon the effective date of these regulations, counties shall implement the revised policy for the treatment of Underwood v. Harris settlement payments (Section 63-501.31) for all new applications and currently certified households.
- .2 Counties shall restore benefits upon request to all households who were discontinued/denied due solely to the now incorrect treatment of Underwood v. Harris settlement payments if these payments were received between September 26, 1980 and the implementation of the revised regulations. Counties shall disseminate recipient informing materials as directed and provided by the department.

63-1406 IMPLEMENTATION OF GROUP LIVING ARRANGEMENT REGULATIONS 63-1406

Counties shall implement the new provisions on group living arrangements promulgated by Public Law 96-58 to amend the Food Stamp Act of 1977 on the first day of the month sixty (60) days following the filing of the following regulations Sections: 63-102, 63-301, 63-402, 63-503, 63-504, and 63-604.

63-1407 IMPLEMENTATION OF THE REVISED TRUST FUND REGULATIONS 63-1407

Counties shall implement the revised trust fund regulations, Sections 63-501.3(h) and 63-502.126, for all new applicants no later than February 1, 1981. Counties shall convert the current caseload to the new rules at recertification or at the time the case is otherwise reviewed anytime the CWD receives information which affects eligibility or benefit level.

63-1408 IMPLEMENTATION OF THE WORK REGISTRATION/JOB SEARCH PROVISIONS 63-1408

Counties shall implement the new provisions on work registration/job search (Sections 63-102, 63-402, 63-407, 63-408, 63-503, 63-804, 22-049 and 22-060) as follows:

- .1 Beginning the first of the month thirty (30) days following the filing of these regulations, counties shall implement the revised regulations for all new applicants.
- .2 Currently certified households shall be converted to the revised regulations by the next food stamp recertification or reregistration with the Employment Development Department (EDD) after implementation of the work registration/job search provisions.

63-1409 IMPLEMENTATION OF ALIEN ELIGIBILITY AND VERIFICATION PROVISIONS 63-1409

Counties shall implement the revised provisions for alien eligibility and verification, promulgated by Public Law 95-113 (Food Stamp Act of 1977) as follows:

- .1 Beginning the first of the month 30 days after filing these revisions with the Secretary of State, counties shall implement the revised program changes for all new applications.
- .2 Currently certified households shall be converted by the time of recertification.

63-1410	IMPLEMENTATIONS OF REVISED FOOD STAMP PROGRAM REQUIREMENTS	63-1410
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Beginning December 1, 1981, counties shall implement the revised regulations for verifying information used to determine eligibility for participation in the Food Stamp Program as follows:

- .1 All initial applications for Food Stamp Program, received after the implementation date, shall have the applicable information verified in accordance with the revised regulations.
- .2 Currently certified households shall have information verified in accordance with the revised regulations at the time of recertification and/or when changes occur to these items. When verification is done due to changes, only those items in which the changes occur shall be verified.
- .3 Sections affected by the revisions are Sections 63-300.513, 300.515, 300.516, 300.52, 300.521, 300.522, 300.53, 300.531, 300.532, 300.533, 300.541, 300.542, 300.543, 300.55, 300.56, 300.591, 301.411, 301.541, 501.51, 502.331, 502.354, 502.361, 504.321.

63-1411	IMPLEMENTATION OF ELIMINATION OF BOARDERS, DAILY PRORATION OF FIRST MONTH BENEFITS, ESTABLISHMENT OF A GROSS INCOME TEST, REDUCTION OF EARNED INCOME DEDUCTION RESTRICTION OF ELIGIBILITY OF STRIKERS AND DEFINITION OF HOUSEHOLD	63-1411
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Counties shall implement the provisions on elimination of boarders, daily proration of first month benefits, establishment of a gross income test, reductions of earned income deductions, restriction on eligibility of strikers and definition of household promulgated by Public Law 97-35 to amend the Food Stamp Act of 1977 as follows:

1. For all new applications these revised provisions shall be implemented no later than November 1, 1981. However, counties may choose to implement any or all of these provisions beginning October 1, 1981. (Sections: 63-300.531, 301.543, 402, 402.1, 402.22, 402.23, 402.29, 402.3, 402.73, 402.8, 408, 408.2, 502.31, 502.33, 502.35, 502.361, 503.32, 503.52, 503.522, and 503.53)

63-1411 IMPLEMENTATION OF ELIMINATION OF BOARDERS, DAILY PRORATION OF FIRST MONTH BENEFITS, ESTABLISHMENT OF A GROSS INCOME TEST, REDUCTION OF EARNED INCOME DEDUCTION RESTRICTION OF ELIGIBILITY OF STRIKERS AND DEFINITION OF HOUSEHOLD (Continued) **63-1411**

2. Currently certified households shall be converted to the new gross income test and earned income deduction through desk reviews to be completed no later than February 1, 1982. (Sections: 63-408.1, 503.32, 502.31, 502.33, 502.35)
3. Currently certified households shall be converted to the new household definition, and revised provisions on ineligibility of strikers and boarders by the time of recertification. (Sections: 63-402, 402.1, 402.22, 402.23, 402.29, 402.3, 402.8)

Notification of these changes shall be provided in accordance with the provisions of Section 63-504.324b governing mass changes.

63-1412 IMPLEMENTATION OF PROGRAM INFORMATIONAL ACTIVITIES **63-1412**

On October 1, 1981 a new Chapter 63-1000 on Program Informational Activities shall be effective.

63-1413 IMPLEMENTATION OF STUDENT ELIGIBILITY PROVISIONS **63-1413**

Beginning the first of the month, following thirty (30) days after the filing of these regulations with the Secretary of State, counties shall implement the required program changes for all new applications. The current caseload shall be converted to the required program changes at the time of recertification or anytime a case file is reviewed prior to recertification.

63-1414 **IMPLEMENTATION OF REPLACEMENT PROVISIONS** **63-1414**

Counties shall implement the revised provisions for replacements of ATPs and coupons, promulgated by Public Law 95-113 (Food Stamp Act of 1977) as follows:

Beginning the first of the month 60 days after filing these revisions with the Secretary of State, counties shall implement the revised program changes for all households.

The restriction which limits ATP or coupon replacements during any six-month period shall begin on the implementation date and all households will have zero replacements at that point. Regulations shall be implemented from that point on in accordance with the type and number of replacements which are then allowed.

The CWD shall mail or individually provide all currently certified households with a notice explaining the household's reporting responsibilities for replacements. The notice language to be used shall be provided by SDSS. This notice shall be issued as soon as possible. However, it may be delayed in order to be provided with the next allotment.

63-1415 **IMPLEMENTATION OF PHOTO IDENTIFICATION** **63-1415**

.1 CWDs shall implement the new provisions for photo identification, promulgated by Public Law 96-249 Section 117 (Food Stamp Act of 1977) as follows:

.11 CWDs subject to the photo ID card requirements shall have issued either a photo ID card or an ID card annotated to indicate that the card is valid without a photograph, and shall require presentation of such ID cards at the issuance point as a precondition of issuing coupons to a household no later than November 1, 1982. The card will be issued at no charge to the household.

.12 Any CWD that becomes subject to the photo ID card requirement shall come into full compliance no later than the first of the month that occurs 12 months after FNS notifies SDSS that the area is subject to the requirement.

63-1415 IMPLEMENTATION OF PHOTO IDENTIFICATION (Continued) 63-1415

- .13 All households currently certified for food stamp benefits must comply with photo ID requirements, unless exempt under Section 63-504.87. The date of full compliance may be selected by the CWD, if earlier than the 12-month requirement. Photo ID card or an ID card annotated to indicate that the card is valid without a photograph shall be provided by the CWD at no charge to the household.

63-1416 IMPLEMENTATION OF EMERGENCY FOOD STAMP ASSISTANCE 63-1416
IN DISASTERS

Effective on the date that these regulations are filed with the Secretary of State (December 20, 1982), counties shall implement the revised Chapter 63-900, Emergency Food Stamp Assistance in Disasters, as the need occurs.

63-1417 IMPLEMENTATION OF REGULATIONS FOR CERTIFICATION 63-1417
OF RESIDENTS OF SHELTERS FOR BATTERED WOMEN AND
CHILDREN

Counties shall implement the provisions of eligibility for food stamps for residents of shelters for battered women and children promulgated by Public Law 96-249 to amend the Food Stamp Act of 1977.

- .1 On the first of the month at least 30 days after regulations are filed, counties shall implement the revised policy permitting a woman or woman with children who are temporarily residents of a shelter for battered women and children to use food coupons to purchase meals prepared for them by the shelter. These residents shall be considered individual households for purposes of applying for and participating in the Food Stamp Program and shall be entitled to expedited services.

63-1417 **IMPLEMENTATION OF REGULATIONS FOR CERTIFICATION OF RESIDENTS OF SHELTERS FOR BATTERED WOMEN AND CHILDREN** (Continued) **63-1417**

- .2 A shelter that provides meals to its eligible residents is exempt from the definition of institution and may apply through FNS for authorization as a retail food store to redeem food coupons directly through wholesalers.

- .3 An eligible shelter resident who left a food stamp certified household shall complete a new application to receive an additional food stamp allotment. While a resident of the shelter, she shall apply as a separate household only once a month, in accordance with Section 63-503.5.

63-1418 **IMPLEMENTATION OF REGULATIONS FOR DRUG AND ALCOHOLIC REHABILITATION CENTERS** **63-1418**

Counties shall implement the revised regulations for Drug and Alcoholic Rehabilitation Center promulgated by Public Law 96-58 to amend the Food Stamp Act of 1977 on the first of the month and at least thirty (30) days after filing with Secretary of State.

63-1419 **SCHEDULE FOR THE IMPLEMENTATION OF THE REVISED FOOD COUPON ISSUANCE CONTRACT REGULATIONS** **63-1419**

CWDs shall implement the amended and adopted provisions of these regulations for all new issuance and/or bulk storage contracts effective the first day of the month following 30 days after filing with the Secretary of State. For existing contracts these regulations must be implemented when a contract is amended, renewed, renegotiated or extended.

The sections affected by these revisions are as follows:

Section 63-601.2 et seq. and Section 63-703.13.

63-1421 IMPLEMENTATION OF REVISED GROUP LIVING ARRANGEMENTS 63-1421

Counties shall implement the Group Living Arrangement/Foster Care regulations, Manual Sections 63-102(ff), 63-402.4 and .622 and 63-503.571 on the first day of the first month following 30 days after filing of the regulations with the Secretary of State.

63-1422 IMPLEMENTATION OF INCOME AND RESOURCES OF INELIGIBLE ALIENS, REPORTING ILLEGAL ALIENS, ELIMINATING DEPRECIATIONS AS A COST OF REDUCING SELF EMPLOYMENT INCOME, TECHNICAL AMENDMENTS AND OTHER PROVISIONS FROM THE 1980 AMENDMENTS TO THE FOOD STAMP ACT OF 1977 63-1422

The CWDs shall implement these revised regulations as follows:

- .1 Beginning the first of the month thirty days after the filing of these revisions with the Secretary of State, the CWD shall implement for all new applications and recertifications.
- .2 Currently certified households shall be converted to the required program changes at the time of recertification or any time a case file is reviewed prior to recertification and sufficient information is contained in the casefile to permit conversion without additional contact with the household.

63-1423 IMPLEMENTATION OF REVISED PROVISIONS ON TRANSFER OF CERTIFICATION, STAFFING STANDARDS, TREATMENT CENTERS, AND NOTICE OF ACTION 63-1423

Beginning December 1, 1983, CWDs shall implement the revised provisions on the elimination of the 60-day transfer of certification (Sections 63-201.6, 63-708.3, and 63-802.22) and staffing standards (Section 63-202.2), promulgated by Public Law (7 USC 2015) 97-98 to amend the Food Stamp Act of 1977, and program clarification on treatment centers (Sections 63-503.473 and .477).

63-1424 IMPLEMENTATION OF MAIL ISSUANCE LOSS TOLERANCE LEVELS 63-1424

- .1 These emergency provisions for mail issuance loss tolerance levels, based on provisions of the Food Stamp and Commodity Distribution Amendments of 1981 (7 USC 2016(f)) shall become effective as follows:
- .11 The mail issuance loss rates of 0.75 percent and \$2,250 as specified in 63-603.19 are effective January 1, 1983, through September 30, 1983, unless exempted by FNS.
 - .12 The mail issuance loss rate of 0.5 percent and \$1,500 as specified in 63-603.19 are effective October 1, 1983.

63-1425 IMPLEMENTATION OF PRORATED STANDARD UTILITY ALLOWANCE 63-1425

Effective May 5, 1983 the CWD shall prorate the Standard Utility Allowance, for multiple households, pursuant to changes in Division 63, Chapters 63-300; 63-502.361, .362, and .363; 63-503.543; and 63-504.341, made in compliance with Public Law 97-253 [7 USC 2014(e)], as follows:

- .1 Upon the effective date of these regulations, the revised provisions shall be applied to all new applications.
- .2 Currently certified households shall be converted at the time of recertification.

63-1426 IMPLEMENTATION OF REPLACEMENT AMENDMENTS 63-1426

Counties shall implement the provisions of the amended regulations for replacements of ATPs and coupons, promulgated by Public Law 95-113 (Food Stamp Act of 1977) on March 3, 1983.

63-1427 IMPLEMENTATION OF PHOTO ID LIABILITY 63-1427

CWDs shall implement the provisions concerning photo ID liability promulgated by Public Law 97-98 immediately upon filing with the Secretary of State.

63-1428 IMPLEMENTATION OF SSN OF ALL FOOD STAMP HOUSEHOLDS 63-1428

Sections 63-404 through 63-404.6 as amended herein, pursuant to Public Law 97-98 (7 USC 2025(e)), shall become effective immediately upon filing with the Secretary of State, as follows:

- .1 Upon the effective date of these regulations, the revised provisions shall apply to all new applications.
- .2 Currently certified households shall be converted to the revised provisions at the time of recertification or anytime the casefile is reviewed prior to recertification.

63-1429 IMPLEMENTATION OF GROSS AND NET INCOME STANDARDS 63-1429

CWDs shall implement the provisions for gross and net income maximums promulgated by 7 USC 2014(e), (Public Law 97-253) as follows:

Beginning July 1, 1983 both the gross and net income standards shall be applied to all new applicant households in which there are no elderly or disabled household members. For currently participating households with no elderly or disabled household members, income eligibility shall be redetermined using both income standards by the time of the next budget recomputation or at recertification, whichever occurs first. This does not preclude the CWD from converting the entire caseload effective July 1, 1983.

63-1430 **IMPLEMENTATION OF EXPEDITED SERVICE PROVISIONS** **63-1430**

CWDs shall implement these emergency regulations on Expedited Services promulgated in response to Public Law 97-253, 7 USC 2020(e)(9), which amends the Food Stamp Act of 1977, effective on the first of July 1983.

Sections covered by this order are: 63-107, 301, and 503.

63-1431 **IMPLEMENTATION OF THE INACCESSIBLE RESOURCE PROVISION** **63-1431**
OF THE MICKEY LELAND MEMORIAL DOMESTIC HUNGER RELIEF
ACT OF 1990

- .1 The amended regulations contained in Section 63-501.3(h) shall become effective May 1, 1996 for all food stamp households.
- .2 County welfare departments shall implement the new provisions for all new applications beginning May 1, 1996.
- .3 Households that had food stamp benefits denied or terminated between December 31, 1995 and May 1, 1996 due to ineligibility under the previous inaccessible resource criteria, but would be eligible under the new resource criteria, shall be entitled to have their benefits restored back to January 1, 1996 or the date of application, whichever is later. A review shall be conducted at household request or if the CWD becomes aware one is needed, and benefits restored if the household is entitled.

For currently active cases, the review and, benefit adjustment if necessary, shall be made when the CWD becomes aware that a review is needed, upon request by the household, or at recertification, whichever occurs first.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553, 10554, and 18904, Welfare and Institutions Code; Mickey Leland Memorial Domestic Hunger Relief Act of 1990, Public Law (P.L.) 101-624, Section 1719(1); Trade Act Amendments of 1991, P.L. 102-237, Title IX, Subtitle A, Section 904; Federal Register, Volume 60, No. 161, dated August 21, 1995; and 7 CFR 273.8(e)(18).

63-1432 IMPLEMENTATION OF THE OMNIBUS BUDGET RECONCILIATION ACT OF 1990, PUBLIC LAW 101-508 63-1432

- .1 Sections 63-501.11, 501.111, 501.3(k) and 502.2(m), as amended herein, shall become effective August 1, 1991.
- .2 The amended provisions in Section 63-1432 shall be implemented as follows:
 - .21 Beginning August 1, 1991, the CWDs shall implement the amended or adopted provisions for all new food stamp applications.
 - .22 For continuing cases and any households entitled to restored benefits, these provisions shall be implemented and appropriate restoration of benefits made upon request by the household, at recertification, when the case is next reviewed, or when the CWD becomes aware that a review is needed, whichever occurs first. Restored benefits are to be provided back to the date of application or January 1, 1991, whichever occurred later.
 - .23 For a household that applied for benefits from January 1, 1991 until July 31, 1991 and was denied due to excess resources as a result of the receipt of lump sum EITC payments, the household is entitled to restored benefits back to January 1, 1991 or date of application, whichever occurred later, if the household: (1) is otherwise entitled to benefits and (2) requests a review of its case or the CWD becomes aware a review is needed.

NOTE: Authority cited: Sections 10553, 10554 and 11209, Welfare and Institutions Code. Reference: Public Law 101-508, Section 11111(b); 26 U.S.C. 32(j)(5); and U.S.D.A. Food and Nutrition Service Administrative Notice 91-30.

63-1433	IMPLEMENTATION OF FOOD STAMP STUDENT ELIGIBILITY PROVISIONS, FINAL RULE	63-1433
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- .1 The regulations contained in Sections 63-406.11, .111, .111(a), .111(a)(1), .111(a)(2), .111(a)(2)(A), .12, .121, .122, .212, .216, .216(e), .217, .217(a), .22 and .221 shall become effective June 1, 1996 for all food stamp households.
- .2 County welfare departments (CWDs) shall implement the provisions for all new applications beginning June 1, 1996, and restore benefits back to that date or the date of application, whichever is later.
- .3 Households that had food stamp benefits reduced, denied or terminated due to the ineligibility of one or more student members, under the previous student eligibility criteria, who would be eligible under the new student eligibility criteria, shall be entitled to have their benefits restored back to November 1, 1995, date of application, or date of adverse action whichever is later. A review shall be conducted at household request or if the CWD becomes aware one is needed, and a restoration made if the household is entitled.

For cases that are currently active, the review and benefit adjustment, if necessary, should be made when the CWD becomes aware that a review is needed, upon request by the household, or at recertification, whichever occurs first.

NOTE: Authority cited: Sections 10553, 10554, and 18904, Welfare and Institutions Code. Reference: Sections 10554 and 18904, Welfare and Institutions Code and Federal Register, Volume 60, Number 183, pages 48865 through 48870, dated September 21, 1995.

63-1434	IMPLEMENTATION OF PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT (PRWORA) OF 1996	63-1434
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| Renumbered to Section 63-031 by Manual Letter No. FS-98-04, effective 10-28-98.

63-1435 IMPLEMENTATION OF PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT (PRWORA) OF 1996 - PHASE II 63-1435

.1 Implementation for Noncitizen Provisions:

- .11 County welfare departments (CWDs) shall implement the provisions in Section 63-405 for all currently certified noncitizen food stamp recipients on September 1, 1997.
- .12 CWDs shall implement the provisions in Sections 63-300.51(b) through (b)(6); Sections 63-405.111(d) and (e), .112(e)(1), .112(e)(2)(A)1., .2 and .3 through .41 upon filing with the Secretary of State. [Sections 63-405.111(d), .112(d), (e), (f), and (g)(1), (2), (3), and (4) as filed with the Certificate of Compliance.]

.2 Implementation for All Other Provisions:

Effective upon filing with the Secretary of State, CWDs shall implement the adopted or amended provisions for all new Food Stamp applications and administrative error (AE) over issuances.

.21 Continuing cases and existing AE over issuances shall be converted as follows:

- .211 CWDs shall implement the provisions in Sections 63-502.35, .36, .37, and .38; and Sections 63-503.311 and .312 for all continuing cases at the household's request, at recertification, when the case is reviewed next or the CWD becomes aware a review is needed, whichever occurs first. Restored benefits to entitled households shall be provided retroactive to March 1, 1997.
- .212 CWDs shall implement the provisions in Section 63-503.441 and .444(b); and Sections 63-504.121, .122, .132, .133, and .141 for all continuing cases at the household's request, at recertification, when the case is reviewed next or the CWD becomes aware a review is needed, whichever occurs first.
- .213 CWDs shall implement the provisions in Sections 63-407.52, .53, .542, and .611(a); Sections 63-408.212(a), .23, .612, and .612(a) for all continuing cases upon filing with the Secretary of State.
- .214 CWDs shall implement the provisions in Sections 63-801.431(d) and (e), .441(a), .442, .512, .722(a)(2), .723, .731, .732, .733, and .823 for all existing AE over issuances upon filing with the Secretary of State, for only that portion of the claim that occurred on or after October 1, 1996, based on Aktar v. Anderson.

63-1435 IMPLEMENTATION OF PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT (PRWORA) OF 1996 - PHASE II **63-1435**
(Continued)

- .215 Handbook Sections 63-501.522(a) and .524(a); and Handbook Sections 63-1101.24, .27, .3, .31 are updated with current amounts for ease of use.
- .216 CWDs shall implement the provision in Section 63-402.229 for all continuing cases at the household's request, at recertification, when the case is reviewed next or the CWD becomes aware a review is needed, whichever occurs first. Households that had food stamp benefits reduced, denied, or terminated on or after September 1, 1997 due to the old rule, but who would now be eligible for benefits under the new rule, shall be entitled to restored benefits.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10554 and 18904, Welfare and Institutions Code; 7 U.S.C. 2015(d)(1), P.L. 104-193, Sections 115, 402, 801, 809, 810, 815, and 844 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); and the Balanced Budget Act of 1997 (Sections 5516 and 5518).

63-1436 IMPLEMENTATION OF THE CALIFORNIA FOOD ASSISTANCE PROGRAM (CFAP) **63-1436**

- .1 The regulations contained in Sections 63-102c.(2) and (6) and f.(1); Sections 63-104.1 and .21; Sections 63-206.2, .43, and .442(b); Section 63-300; Sections 63-301.741 and .746; Section 63-403; Sections 63-701.311(b), .32, and .332(b); and Sections 63-702.6 and .62 are effective February 1, 1998 for adults at least 65 years of age and children under the age of 18 who are legal non-citizens of the United States, and who were legally present in the U.S. before August 22, 1996. Their immigration status must meet the eligibility criteria of the federal Food Stamp Program in effect August 21, 1996, and they must be ineligible for food stamp benefits due solely to their immigration status under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 in order to be eligible for CFAP.
- .2 The CFAP is to become inoperative effective July 1, 2000, unless another statute deletes or extends this date.

NOTE: Authority cited: Sections 10553, 10554, and 18904, Welfare and Institutions Code. Reference: Sections 18930 through 18934, Welfare and Institutions Code and Federal Register Vol. 59, No. 224, dated November 22, 1994.