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January 28, 2019

ALL COUNTY LETTER NO. 19-09

TO: ALL COUNTY WELFARE DIRECTORS
ALL CALFRESH PROGRAM SPECIALISTS
ALL CONSORTIA REPRESENTATIVES
ALL QUALITY CONTROL COORDINATORS

SUBJECT: CALFRESH IMPLEMENTATION OF SENATE BILL 1050:
ELIGIBILITY FOR EXONERATED INMATES AND 15 PERCENT
EXEMPTIONS PRIORITY

REFERENCE: [7 U.S.C. 2015 \(o\)](#); [MANUAL OF POLICY AND PROCEDURES \(MPP\) DIVISION 63, SECTION 63-410.34](#); [TITLE 7 CODE OF FEDERAL REGULATIONS \(CFR\) SECTION 273.24\(g\)](#); [ALL COUNTY LETTER \(ACL\) 18-08](#); [SENATE BILL \(SB\) 1050, CHAPTER 979, STATUTES OF 2018](#)

The purpose of this All-County Letter (ACL) is to provide County Welfare Departments (CWDs) with guidance regarding implementation of Senate Bill (SB) 1050 (Chapter 979, Statutes of 2018), also known as the Exonerated Inmates Bill. Specifically, this letter details the impact on distribution of CalFresh 15 percent exemptions related to the time limit for Able Bodied Adults Without Dependents (ABAWDs).

Background

As described in No. [ACL 18-08](#) dated January 26, 2018, federal law provides that each state be allotted a number of individual exemptions equal to 15 percent of the state's annual Supplemental Nutrition Assistance Program (SNAP) caseload that is subject to the ABAWD time limit. These exemptions allow CWDs to extend eligibility for SNAP, known as CalFresh in California, to individuals who would otherwise be ineligible for CalFresh due to the ABAWD time limit. Each 15 percent exemption is equal to one full month of CalFresh eligibility for one ABAWD. Fifteen percent exemptions are only available to individuals at risk of losing federal CalFresh benefits due to not satisfying

the work requirement.

Policy Change

Effective January 1, 2019, SB 1050 establishes new requirements under existing CalFresh eligibility policy related to individuals that are subject to the ABAWD time limit. Senate Bill 1050 requires that CWDs implementing the ABAWD time limit prioritize allocation of 15 percent exemptions to individuals that have been exonerated.

Senate Bill 1050 also requires that the California Department of Corrections and Rehabilitation (CDCR) provide persons that have been exonerated as to a conviction for which he or she is serving a state prison sentence at the time of exoneration with transitional services, including housing assistance, job training, and mental health services, as applicable. Under the provisions of SB 1050, CDCR must also assist the exonerated inmate with enrolling in public assistance services, including, but not limited to, CalFresh. The transitional services shall be offered within the first week of an individual's exoneration and again within the first 30 days of exoneration.

Lastly, SB 1050 provides a regulatory definition of "exonerated" for the purpose of identifying individuals that will be eligible to receive CDCR transitional services and for the purpose of identifying individuals that will receive a priority allocation of 15 percent exemptions.

This letter focuses on CalFresh implementation and does not address CDCR's responsibilities.

Definition of Exonerated

Exonerated

For the purpose of identifying an individual eligible to receive transitional services and priority allocation of 15 percent exemptions, "exonerated" means the person has been convicted and subsequently one of the following has occurred:

- (1) A writ of habeas corpus concerning the person was granted on the basis the evidence unerringly points to innocence, or the person's conviction was reversed on appeal on the basis of insufficient evidence.
- (2) A writ of habeas corpus concerning the person was granted pursuant to Penal Code Section 1473, either resulting in dismissal of the criminal charges for which he or she was incarcerated or following a determination the person is entitled to release on his or her own recognizance, or to bail, pending retrial or pending appeal.
- (3) The person was given an absolute pardon by the Governor on the basis the person was innocent.

County Welfare Departments are not responsible for determining if an individual is an exonerated person. As described in SB 1050, it is CDCR's responsibility to make this determination.

Prioritization of 15 Percent Exemptions

Federal law allows broad discretion in determining how a 15 percent exemption is allocated to an individual ABAWD. To maximize utilization, CDSS has established statewide criteria regarding the allocation of the 15 percent exemption to individual ABAWDs. The recommended criteria include: overissuance/error protection, eligibility extension for individuals making an effort to work, or special circumstances. For further details on the recommended criteria please refer to [ACL No. 18-08](#) dated January 26, 2018. The CWDs are reminded that individual ABAWDs that are subject to the time limit are not eligible to receive a 15 percent exemption until they have exhausted their three countable months of benefits for the current 36-month period.

Exonerated persons, as defined above, who are ineligible for CalFresh benefits due to not satisfying the ABAWD work requirement will be given priority for receipt of 15 percent exemptions. The CDSS will update the ABAWD Handbook and corresponding regulations as soon as administratively feasible.

If you have questions or concerns regarding this ACL, please contact the CalFresh Policy Bureau at (916) 651-8047.

Sincerely,

Original Document Signed By:

KIM JOHNSON
Deputy Director
Family Engagement and Empowerment Division