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**DEPARTMENT OF SOCIAL SERVICES**  
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GAVIN NEWSOM  
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May 3, 2019

ALL COUNTY LETTER (ACL) NO. 19-39

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

SUBJECT: **CALFRESH AND CALWORKS ELECTRONIC NOTICES**

REFERENCE: [PUBLIC LAW \(P.L.\) 110-246](#); [ADMINISTRATIVE NOTICE \(AN\) AN 18-05 – IMPLEMENTING OF THE ELIGIBILITY, CERTIFICATION, AND EMPLOYMENT AND TRAINING PROVISIONS OF THE FOOD, CONSERVATION AND ENERGY ACT OF 2008 REGARDING ELECTRONIC NOTICE WAIVERS AND OPTIONS](#); [TITLE 7 CODE OF FEDERAL REGULATION \(CFR\) 273.13\(a\) AND 273.18\(n\)\(2\)](#); [ACL 13-61](#); [ASSEMBLY BILL \(AB\) 1957 \(CHAPTER 384, STATUTES OF 2018\)](#); [WELFARE AND INSTITUTION CODE \(WIC\) SECTION 11023.7](#); [MANUAL OF POLICIES AND PROCEDURES \(MPP\) 40-107.\(a\)\(4\)](#), [42-721.23](#), AND [42-750.4](#)

This letter notifies the County Welfare Departments (CWDs) of the United States Department of Agriculture, Food and Nutrition Service's (FNS) release of [Administrative Notice \(AN\) 18-05](#) on November 3, 2017. The [AN 18-05](#) implements the state option to send electronic notices (e-notices) to Supplemental Nutrition Assistance Program (SNAP) households without a waiver. This letter provides CWDs an overview of the change and additional clarification on the option to send text messages to inform households of the availability of a new e-notice.

This letter also provides information about [Assembly Bill \(AB\) 1957 \(Chapter 384, Statutes of 2018\)](#) which was effective January 1, 2019 and codifies existing practices and new provisions related to e-notices for both CalFresh and CalWORKs.

## **Background**

Federal SNAP regulations require that paper notices be mailed to a household. Prior to the release of [AN 18-05](#), states were required to be approved for a federal waiver of these regulations in order to send notices to a household using other methods, such as electronic communication. The benefits of using e-notices include more timely and consistent receipt of notices, assured delivery of the notice to the right receiver, reduced printing and mailing costs, and an overall decrease in returned mail for households and assistance units (AUs) who lack a fixed permanent address.

The CDSS was first approved for a waiver of the SNAP paper noticing requirements in 2013. Initial guidance was issued via [ACL No. 13-61](#) released on July 24, 2013. The letter notified the CWDs of the option to utilize e-notices for CalFresh and CalWORKs. At no time has a federal waiver been required for CalWORKs. Instead, the CDSS opted to allow CalWORKs households to utilize e-notices in order to mirror CalFresh practice.

Due to the positive outcomes of this waiver, the CDSS received two additional waiver extensions through July 31, 2019. On November 3, 2017, FNS released [AN 18-05](#) which specifies that a waiver is no longer required and States may continue using e-notices at their option.

The CDSS has elected to continue utilizing e-notices as a State option. CWDs may continue to utilize e-notices for CalFresh and CalWORKs without federal waiver approval. Provided below is an overview of the requirements that must be met in order to utilize e-notices for CalFresh and CalWORKs. These requirements are the same as those established under previous waiver authority described in [ACL No. 13-61](#).

## **Electronic Communication Requirements**

E-noticing is a county option. That said, in order to utilize e-notices, the CWD must ensure that the following conditions are met:

- The CWD must not include case identifying information when sending communications via computer-generated text message. Only the first or last name, but not both, of an applicant or recipient may appear in a text message ([Welfare and Institution Code \(WIC\) Section 11023.7\(b\)](#));
- The CWD must receive the household/AU's consent in order to send e-notices and must establish security procedures to protect confidential client information sent electronically;
- The CWD must provide the household/AU an initial email and paper notice that confirms the household/AU has opted to receive e-notices, the rights and responsibilities of receiving e-notices, and instructions regarding how to retrieve the e-notices;
- The CWD must provide e-notices through an online account on a secure website or portal;

- The CWD must send an email to the household/AU when a new e-notice is available on the secure website or portal;
- The CWD must ensure that every e-notice contains the same information as the corresponding paper notice;
- Notices of referral to the Treasury Offset Program [\(7 CFR 273.18\(n\)\(2\)\)](#) and Notices of State Hearings from the CDSS State Hearing Office shall not be sent electronically.
- The CWD must provide the household/AU the opportunity to opt-out of e-notices and go back to receiving paper notices at any time;
- The CWD must document the case file when an email is returned because the email address on file is invalid. The CWD must then communicate to the household with a paper notice that e-noticing has been disabled and automatically resume providing the household with paper notices; and
- The CWD must ensure that all electronic correspondence must be accessible to both Federal and State Quality Control (QC) reviewers and cases must be identified as having opted to receive e-notices.

The CWD must provide paper copies of all notices to clients upon request. All other correspondence, that is not an official program notice mandated by state or federal statute or regulations, may be sent directly to the household's email address or via text message. Informal county communications do not need to be sent through a secure website or portal.

### **Types of E-Notices**

The types of notices that may be sent to the household electronically include, but are not limited to:

- Notice of Missed Interview
- Notice of Denial
- Notice of Required Verification
- Notice of Approval
- Notice of Expiration of Certification
- Notice of Adverse Action
- Notice of change to CalFresh benefits and/or CalWORKs grant
- Notice of claims, intentional program violations, disqualifications, etc.

### **Client Opt-In and Opt-Out**

Households/AUs shall be notified of the option to receive e-notices at application and recertification. If a household/AU opts to receive e-notices, it will be required to sign an Electronic Notification Agreement (NA 1273) in which they agree to receive and read the e-notices sent by the CWD. After signing the agreement, the household/AU will receive an email confirmation and a paper Notice of Confirmation (NA 1274) regarding the decision to receive e-notifications. The confirmation email sent to the household/AU

with instructions on how to log in to their account to view the e-notices. The CWD shall document, in the household's/AU's case record, their decision to receive e-notices instead of traditional paper notices.

As previously stated, households/AUs that elect to receive e-notices may opt out at any time. If the CWD discovers that the e-notice could not be received by the household/AU, the CWD is required to revert to paper notices. When this happens, the CWD shall send an Electronic Notification Cancellation Notice (NA 1275) via mail to the last known address advising the household/AU that email is undeliverable and that traditional paper correspondence will resume. To resume receiving e-notices, the household/AU will have to repeat the enrollment process.

### **Text Messaging and AB 1957**

Per [AN 18-05](#), CWDs have the option to send text messages to inform households/AUs of the availability of a new e-notice. If this additional method of notifying the household/AU is chosen, the CWD must send a text message in conjunction with an email letting them know the e-notice is available to be viewed. Sending a text message alone in place of an email is not sufficient because a text message does not indicate whether the recipient received the information that was sent.

[Assembly Bill \(AB\) 1957 \(Chapter 384, Statutes of 2018\)](#), signed by the Governor on September 14, 2018, codifies existing practice regarding communication via computer-generated text messages. The bill codifies CWDs' authorization to communicate with CalWORKs and CalFresh applicants and recipients via text message, if it is within the CWD's capacity to do so.

The bill also requires that notices of action not be sent via text message alone. The CWD may only send via text message a link to a secure online portal, where the applicant or recipient can access the notice of action after securely logging in. All other communications sent via text message do not require use of a link to a secure online portal, unless otherwise required by federal law or guidance.

Lastly, the bill further requires all electronic technology used pursuant to its provisions to be in compliance with state information technology policy and related state and federal law. The CWDs are reminded that text messages must not include case-identifying information. Only the first or last name, but not both, of an applicant or recipient, may appear in a text message.

### **State Hearings**

Electronic notices shall provide the same information as paper notices and will be sent within the same prescribed timeframes and include the most current "*Your Hearing Rights*" (NA Back 9). When a household/AU opts to receive e-notices, the households'/AUs' state hearing rights are the same as with a paper notice. As with

paper notices, the CWD must be able to present a copy of the e-notice as evidence in a state hearing.

### **CalWORKs**

CWDs are reminded they must comply with regulations regarding timeframes for providing any required notices and information. For CalWORKs only, a Balderas personal contact must be attempted when a CalWORKs recipient fails to turn in a completed semiannual reporting form (i.e. SAR 7) or annual redetermination form (i.e. SAWS 2 Plus), and all attempts must continue to be noted in the case file along with whether or not the client responded or was reached.

For CalWORKs, each individual adult must consent to receive time on aid [\(Manual of Policies and Procedures \(MPP\) Section 40-107\(a\)\(4\)\)](#) and Welfare-to-Work (MPP Sections [42-721.23](#) and [42-750.4](#)) notices electronically. For other notices to the AU the caretaker relative must consent. For two parent AUs, the other aided parent must consent to receive notices specific to their time on aid and/or various Welfare-to-Work notices.

If you have any question regarding this ACL, please contact the CalFresh Policy Bureau at (916) 651-8047 or the CalWORKs Eligibility Bureau at (916) 654-1322.

Sincerely,

***“Original Document Signed By”***

KIM JOHNSON  
Deputy Director  
Family Engagement and Empowerment Division