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May 31, 2019

ALL COUNTY LETTER (ACL) NO. 19-55

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

SUBJECT: CALFRESH AUTHORIZED REPRESENTATIVES

REFERENCE: [7 CODE OF FEDERAL REGULATIONS \(CFR\) § 273.2](#); [7 § CFR 273.2\(n\)\(1\)](#), [7 § CFR 273.2\(n\)\(4\)](#); [7 CFR § 271](#); [7 CFR § 271.2](#); [MANUEL OF POLICY AND PROCEDURES \(MPP\) 63-402.6](#); [63-402.614](#); [63-402.612](#); [63-402.633](#); [ALL COUNTY INFORMATION NOTICE \(ACIN\) I-08-18](#);

The purpose of this letter is to provide guidance to County Welfare Departments (CWD) regarding individuals who are designated as CalFresh Authorized Representatives (AR) for households that are applying for, or receiving, CalFresh.

Definition of an Authorized Representative

Per [MPP 63-402.6](#) and [7 CFR § 273.2\(n\)\(1\)](#), an AR is an adult non-household member who is authorized to act on behalf of a household to:

- Apply for CalFresh;
- Complete work registration forms;
- Complete required reporting; and/or
- Use the Electronic Benefits Transfer (EBT) card to purchase the household's food.

An individual AR may represent more than one household.

Residents of Drug and Alcohol (DAA) Treatment Centers must use an AR who is employed and designated by the DAA Treatment Center to apply for and obtain CalFresh benefits. For more information on residents of institutions, including DAA Treatment Centers, please refer to [ACL No. 19-51](#) dated May 24, 2019.

An AR must be an individual. The CWD cannot designate an institution as an AR. If an applicant or recipient seeks assistance from a community-based organization (CBO), community agency, residential facility, or other similar institution and an employee of the institution has agreed to act as an AR for the household, the individual employee must be designated to act as an AR on behalf of the household. When notating the AR designation in the case file, the CWD is encouraged to include that the AR is an individual employed by the institution.

Per [MPP 63-402.6](#), in the event that a minor household member(s) requires an AR, and the only adult living in the household is classified as a non-household member, that adult may be the AR for the minor household member(s).

A Supplemental Security Income and/or California State Supplementary Payment (SSI/SSP) recipient's Representative Payee for SSI/SSP benefits may also act as a CalFresh AR. However, the household will need to designate the Representative Payee as the CalFresh AR as described below. The CWD cannot assume that the SSI/SSP recipient's Representative Payee is authorized by the household to act as a CalFresh AR. The SSI/SSP recipient may also choose to have separate individuals serve as a Representative Payee for SSI and an AR for CalFresh.

Regardless of the AR's relationship to the household, the AR must always have sufficient knowledge of relevant household circumstances to fulfill the roles and responsibilities of an AR.

Powers of Attorney, Conservatorships, and Guardianships

A third party may also be authorized to apply for and/or obtain CalFresh benefits via a Power of Attorney (POA), conservatorship, and guardianship. However, each document requires a thorough review to determine its validity and whether the specified third party has been granted authority to apply for and/or obtain public benefits on behalf of the applicant or recipient. Counties, when necessary, should direct case-specific POA, conservatorship, and guardianship questions, including those involving CalFresh applicants and recipients, to their county counsel. If it is determined that the third party has the authority to act on behalf of the applicant or recipient, the third party is not required to be designated as an AR, however, the basis for the third party's authority to act on behalf of the applicant or recipient should be documented in the case file. Counties should verify the identity of the third party in a manner consistent with CalFresh identity verification requirements.

Restrictions on an Authorized Representative

Per [7 CFR § 273.2\(n\)\(4\)](#) the following individuals must not be designated as an AR:

- CWD employees who are involved in the eligibility determination, certification, or issuance processes, without specific written approval of a designated CWD official and only if that official determines that no one else is able to serve as an AR.
- Employees of retailers, authorized food firms, and meal service providers that are authorized to accept CalFresh, unless the CWD determines that no one else is available to serve as an AR.
- Employees of homeless meal service providers, such as soup kitchens or shelters, that are authorized to accept CalFresh benefits, under any circumstance.
- An individual disqualified for an intentional program violation (IPV) during the period of disqualification, unless the individual is the only adult member of the household and the CWD has determined that no other individual is available. Refer to [ACIN No. I-08-18](#) dated March 12, 2018 for more details.
- An individual who was designated as an AR and has been disqualified from being a CalFresh AR because the individual misrepresented a household's circumstances by knowingly providing false information about the household or using the household's CalFresh benefits improperly. Per [7 CFR § 273.2\(n\)\(4\)\(i\)\(C\)](#) the CWD may disqualify such an individual from being a CalFresh AR for up to one year.
- Federally funded application assistors. Application assistors serve as a bridge between the community and CWDs by helping residents better understand the benefits of participating in CalFresh. Application assistors connect eligible residents to CalFresh by conducting outreach and providing application assistance. Federally funded application assistors cannot act as ARs, per the [Supplemental Nutrition Assistance Program \(SNAP\) State Outreach Plan Guidance](#) page 17-18. Acting as an AR is considered a conflict of interest. Federally funded application assistors can only act as ARs if they are performing AR duties outside of their SNAP Outreach-funded duties and work hours.

Non-federally funded application assistors are not subject to the restriction described above. However, the same policy considerations apply and CWDs are advised that AR determinations must be made on an individual basis per the AR guidance, and not as a blanket tool for outreach. As a reminder, if a non-federally funded application assistor works for a CBO, the designated AR cannot be the CBO itself. The AR must be the individual employed and designated by the CBO to act on behalf of a CalFresh applicant or recipient.

Notification to Household and Designation of an Authorized Representative

The CWD must inform all CalFresh applicants and recipients at recertification that an adult, non-household member may be designated as an AR to act on behalf of the household.

The designation may be made in one of three ways: on the application or recertification form itself, using an AR designation form, or via a signed written statement. Per [7 CFR § 273.2\(n\)\(1\)\(i\)](#), a written statement must be signed by a responsible household member.

The following forms may be used to designate an AR:

- Application for CalFresh Benefits (CF 285)
- Application for CalFresh, Cash Aid, and/or Medi-Cal/Health Care Programs (SAWS 1 and SAWS 2 Plus)
- Recertification for CalFresh Benefits (CF 37)
- A separate form developed by the CWD

Per [MPP 23-400.22](#), if a separate form is developed by the CWD the form must be sent to CDSS for approval before it can be used. Use of a particular form cannot be required to designate an AR.

A household may designate an AR anytime during the certification period. During the certification period the designation may be made using an AR designation form or via a signed written statement.

The name and contact information of each AR, as well as the roles and responsibilities they have been designated to fulfill on behalf of the household, must be contained in the household's case file. As previously mentioned, when notating the AR designation of an individual who is employed and has been designated by an institution, the CWD is encouraged to include that the AR is an employee of an institution.

The household may designate multiple ARs to fulfill distinct roles and responsibilities. For example, the AR designated to apply for the household may be different from the AR designated to use the household's EBT card. It is the CWD's responsibility to ensure that ARs are properly designated, including when multiple ARs are designated to fulfill different responsibilities on behalf of the household.

Per [7 CFR § 273.2\(n\)\(1\)](#), a single AR or multiple ARs designated by the household at initial application, recertification, or during the certification period will remain the AR(s) for the duration of the certification period, unless a household communicates to the CWD that they would like to remove or change the AR(s). At recertification, a household may maintain the same designated AR(s) or may decide to remove or change the AR(s).

If an unforeseen change in circumstances occurs, affecting the designated AR's ability to act during the certification period, an emergency AR may be named. See the "Emergency Authorized Representative for Obtaining Benefits" section below for more information.

Responsibilities of an Authorized Representative

If the household is designating an AR to complete the application process on behalf of the household, per [7 CFR § 273.2\(f\)\(1\)\(vii\)](#), "The identity of the person making the application must be verified. Where an AR applies on behalf of a household, the identity of both the AR and the responsible household member must be verified. Identity may be verified through readily available documentary evidence, or if this is unavailable, through a collateral contact. Examples of acceptable documentary evidence which the applicant may provide include, but are not limited to, a driver's license, a work or school ID, an ID for health benefits or for another assistance or social services program, a voter registration card, wage stubs, or a birth certificate. Any documents which reasonably establish the applicant's identity must be accepted, and no requirement for a specific type of document, such as a birth certificate, may be imposed."

If identity verification for both or either the AR and the responsible household member is not provided, the CWD must follow existing policy regarding missing mandatory verification. When an AR is applying on behalf of a household, the application may be denied for failure to provide identity verification for both or either the AR and the responsible household member.

If an AR is applying on behalf of a household, the AR may sign the application. As previously mentioned, the identity of both the AR and the responsible household member must be verified in order to designate the AR to apply on behalf of the household, including signing the application.

If an AR is designated only to complete the interview portion of the application, the responsible household member should prepare or review the application whenever possible, even though the AR will be interviewed.

Responsibility for Repayment of Overissuances

Per [7 CFR § 273.11\(e\)\(7\)](#) and [MPP 63-503.477](#), when an individual employed and designated by a DAA Treatment Center or a GLA acts as an AR, the DAA Treatment Center or Group Living Arrangement (GLA) is liable for any overissuance.

Otherwise, when a household designates an AR, the household is liable for any overissuance. This applies even if incorrect information is provided by the AR resulting in an overissuance. Per [7 CFR § 273.2\(n\)\(1\)](#), the CWD must inform the household that the household is responsible for repayment of any overissuance resulting from incorrect information provided by an AR.

Emergency Authorized Representative for Obtaining Benefits

Per [MPP 63-402.614](#), a household must be permitted to designate an emergency AR to obtain the household's benefits for a particular month and purchase food for the household. The signature of the emergency AR and the signature of a responsible household member is needed to authorize the emergency AR to obtain the household's benefits. The designation must be made using an AR designation form developed by the CWD for this purpose or a signed written statement from a responsible household member, which is also signed by the emergency AR. The [Cash Aid/CalFresh Electronic Benefit Transfer- EBT Request for a Designated Alternate AR \(TEMP 2201\)](#) may be used to designate an alternate EBT card holder or an AR for the purpose of using a household's EBT card to purchase food for the household.

Per [MPP 63-402.612](#), even if a household is able to apply for and obtain benefits on their own, each household is encouraged to name an emergency AR in case of illness or other unforeseen circumstances that may result in an inability to obtain benefits.

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

Sincerely,

Original Document Signed By:

KIM JOHNSON
Deputy Director
Family Engagement and Empowerment Division