

April 22, 2020

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 20-46

This All County Letter provides counties and Cash Assistance Program for Immigrants (CAPI) consortia with clarifications of temporary CAPI policies set forth in a Program Manager Letter (PML) dated March 20, 2020. That letter concerned exigent processes to be followed in the CAPI program during the COVID-19 emergency declared by the Governor.



KIM JOHNSON
DIRECTOR

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DEPARTMENT OF SOCIAL SERVICES
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GAVIN NEWSOM
GOVERNOR

April 22, 2020

ALL COUNTY LETTER NO. 20-46

TO: ALL COUNTY CASH ASSISTANCE PROGRAM FOR
IMMIGRANTS (CAPI) PROGRAM MANAGERS

SUBJECT: CLARIFICATIONS REGARDING TEMPORARY CHANGES TO
CASH ASSISTANCE PROGRAM FOR IMMIGRANTS (CAPI)
PROCEDURES DUE TO COVID-19 EMERGENCY

REFERENCE: [EXECUTIVE ORDER NO. N-29-20](#);
[PROGRAM MANAGER LETTER – TEMPORARY CAPI
CHANGES \(MARCH 20, 2020\)](#);
[WELFARE AND INSTITUTIONS CODE \(WIC\) §§18938\(b\),
18940\(a\)](#);
[MANUAL OF POLICIES AND PROCEDURES \(MPP\)](#)
[§§30-009.227, 49-010; 49-013.11, 49-030, 49-037.441,
49-045, 49-060](#);
[42 UNITED STATES CODE \(USC\) §1382a\(b\)\(11\)](#);
PROGRAM OPERATIONS MANUAL SYSTEM (POMS)
[§§SI 00502.280\(B\)\(1\)\(b\), SI 00815.050, SI 00830.620\(B\)\(2\), SI
02003.006\(A\)\(2\)](#);
[ALL COUNTY LETTER \(ACL\) NO. 17-31](#);
[ALL COUNTY LETTER NO. 18-46](#);
[ALL COUNTY LETTER NO. 00-73](#);
[ALL COUNTY INFORMATION NOTICE \(ACIN\) NO. I-34-19](#).

This All County Letter (ACL) provides counties and Cash Assistance Program for Immigrants (CAPI) consortia with clarifications of temporary CAPI policies pertaining to California's current COVID-19 emergency that were announced in a [Program Manager Letter \(PML\) dated March 20, 2020](#).

No Waiver of Required Documentation

Due to County office closures, counties must accept CAPI applications via telephone, mail, email and fax. The PML issued on March 20, 2020, indicates that counties are to promptly proceed with determining the applicant's eligibility for CAPI benefits without waiting for receipt of signed forms or requested documentation. This is a *tentative* eligibility determination that allows the county to take immediate action on the application without having to wait for required documentation to arrive at the county office. *All documentation requested by the county must be submitted prior to issuing a Notice of Action or starting payment of benefits.* As a final determination cannot be made without review of required verification documents, the requirement that claimants submit those documents cannot be waived.

30-Day Application Process

Applications continue to be subject to the CAPI 30-day determination process. ([Manual of Policies and Procedures \(MPP\) §30-009.227](#)). However, the exception for disability determinations necessary in the case of applicants under the age of 65 continues to apply. ([All County Letter \(ACL\) No. 17-31](#)).

Telephone applications

The PML issued on March 20, 2020 instructs counties that, as part of the CAPI telephone application process, the applicant must be informed of the specific documents that must be submitted within 30 days before a decision on the application can be made. The date of the telephone application is Day 1 of the 30-day application process. The county should follow up the telephone application with a letter listing the required documents discussed over the phone. If the applicant fails to provide these documents to the county within 30 days, the application must be denied due to non-cooperation with the county. (MPP §49-060.1(d)). The applicant may reapply for CAPI at any time.

Applications received by mail, fax or email

The date on which a mailed CAPI application is received and date stamped by the county is the first day of the 30-day process. To avoid delays in applicants being approved for benefits, the county should telephone the applicant on the day the application is received by mail, fax or email (or on the next working day at the latest) to obtain any missing information and to inform the applicant of the specific documents that must be submitted within 30 days. The county should follow up the call with a letter listing the required documents discussed over the phone.

Timing and Automation of CAPI Annual Redeterminations

The [Governor's Executive Order No. N-29-20](#) places a 90-day suspension on redetermination of continued eligibility of CAPI recipients required by [Welfare and](#)

[Institutions Code \(WIC\) §18938\(b\)](#). Accordingly, any CAPI case due to be redetermined in March, April, May or June is extended for twelve months and may not be redetermined until the recipient's scheduled redetermination date in 2021.

Automation notes

All CAPI redeterminations completed in March of 2020, whether before or after the effective date of the Governor's emergency order, with Notices of Action (NOA) scheduled to take effect on April 1, 2020, were purged from CalWIN, C-IV and LRS. These notices were not sent out to recipients. However, counties must ensure that the adverse actions corresponding to those NOAs were not taken and must rescind any that were. Furthermore, any NOAs that were manually sent to CAPI recipients in March to inform them of adverse actions must be manually rescinded.

Restart of CAPI redeterminations

As the term of the Governor's emergency order ends in mid-June, no CAPI annual redeterminations may be conducted until July 1 (unless the emergency order is extended until a later date). Automation will be turned back on at that time.

Claimant Reported Changes in Circumstances

The CAPI recipients are still required to report changes in circumstances to the county within ten days of the date on which the change occurred. ([ACL No. 18-46; SOC 814](#)). Examples of changes in circumstances include an increase or decrease in income, change in the number of members of the recipient's household, change in the amount of rent paid, change of address, change in citizenship or immigration status, etc.

Although cases in which changes in circumstances are reported would normally be redetermined immediately ([All County Information Notice No. I-34-19](#)), the Governor's Executive Order has placed CAPI redeterminations in suspension for 90 days "to the extent necessary to allow such individuals to maintain eligibility for such benefits." However, in order to ensure that current CAPI recipients are able to maintain eligibility for the full amount of benefits they are entitled to receive, only redeterminations prompted by a claimant's reported change in circumstances that would result in an *increase* in CAPI benefits (e.g., reductions in income) will be processed during this time.

No negative action may be taken against any CAPI recipient, regardless of the reason. Any change in circumstance that is reported to a county while the Governor's emergency order is in effect that is likely to result in a decrease in the amount of CAPI benefits (e.g., increase in income or moving in with family providing free shelter and food), may not be redetermined during the term of the executive

order, but must be flagged for redetermination immediately following the expiration of the order (in July, unless the term of the executive order is extended). To prevent avoidable overpayments, counties may not delay such redeterminations for twelve months.

Please note that the above does not prevent counties from stopping benefits to deceased recipients.

Inter-county transfers

While relocation of a CAPI recipient from one California county to another necessarily involves a change in circumstances, in accordance with the Governor's Executive Order, redeterminations in connection with inter-county transfers are temporarily waived. The receiving county must continue the amount of monthly benefits previously paid to the recipient by the sending county. A redetermination should be conducted after the expiration of the executive order.

Overpayments

All current policies regarding CAPI overpayments continue to remain in place. Pursuant to program policy, counties are expected to follow the CAPI overpayment procedures detailed in [ACL No. 00-73](#). Those procedures include county review of recipient requests for waiver of overpayments. As always, counties may grant waiver requests from recipients who are without fault in connection with an overpayment, when recovering the overpayment would defeat the purpose of CAPI, be against equity and good conscience, or where the amount of the overpayment does not exceed 30 dollars.

SSI/SSP Application Requirement for Qualified Aliens

The PML issued on March 20, 2020, indicates that CAPI applicants who are qualified aliens (lawfully admitted permanent residents, refugees, asylees, etc.) must continue to apply for SSI/SSP and may qualify for CAPI only if denied solely based on immigration status. (MPP §49-030.1). The CAPI applicants may apply for SSI/SSP by telephoning a local Social Security Administration (SSA) field office while such offices remain closed to in-person visits from the public due to the COVID-19 pandemic. Due to reports of excessive waiting times on the national SSA toll-free number, counties should urge CAPI claimants required to apply for SSI/SSP to telephone their local field offices directly.

While normally we require CAPI applicants to produce a written denial from SSA in order to verify they have been denied SSI/SSP based on immigration status, due to field office closures, written decisions are being delayed. Therefore, until such time as SSA field offices reopen to the public, counties and CAPI consortia are directed to accept any verbal or written statement by a CAPI applicant indicating that he or

she has applied for SSI/SSP and is awaiting a decision from SSA as sufficient verification that the claimant has been denied SSI/SSP due to immigration status. (MPP §49-030.2).

Counties should also be aware that the presence of the immigration status code N13 on the INQX screen in MEDS, when dated within the past six months, is also a sufficient indication that the claimant has applied for SSI/SSP and was denied solely based on his or her immigration status. In these cases, the county should not ask the CAPI applicant to attempt to reapply for SSI/SSP.

Interim Assistance Reimbursement Authorizations (SSP 14)

Although redetermination packets will not be mailed out to CAPI recipients whose annual redeterminations are due in April, May or June, counties may still send Interim Assistance Reimbursement (IAR) authorization forms (SSP 14) to be signed and returned to the county. However, during this period, counties are not required to do so. Nevertheless, please be aware that IAR authorizations expire after 12 months ([POMS §SI 02003.006\(A\)\(2\)](#)) and that neither the county nor the state will be able to recover any IAR without a current SSP 14 on file.

Federal Stimulus and Unemployment Compensation Payments

As part of the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act that was recently passed into law, many Americans will be receiving economic impact ("stimulus") payments of up to \$1,200. [SSA has announced](#) that these payments will not be deemed income for SSI purposes and will be excluded from resources for 12 months. As the CAPI program must comply with SSI/SSP regulations and policies ([WIC §18940\(a\)](#); MPP §49-013.11), these federal payments will not count as income for CAPI purposes..

The CARES Act further provides for a \$600 weekly supplement to state unemployment insurance benefits, as well as for additional Pandemic Emergency Unemployment Compensation (PEUC) and Pandemic Unemployment Assistance (PUA). Pursuant to SSI rules, these payments are excludable from income as assistance provided pursuant to a federal statute on account of a catastrophe which is declared to be a major disaster. ([POMS SI 00830.620\(B\)\(2\)](#); [42 USC 1382a\(b\)\(11\)](#)). Thus, these may not be counted as income for CAPI purposes. Workaround procedures will be developed and released to allow county staff to manually prevent any of these benefits from being counted as income in the LRS, C-IV and CalWIN systems.

Please note that the recently authorized federal benefits listed above constitute cash assistance rather than social or medical services. Accordingly, federal economic impact payments and all types of federal pandemic unemployment-related assistance must be counted as income to sponsored CAPI claimants for the purpose of determining

eligibility for the indigence exception on form [SOC 813](#). This complies with SSA policies and CAPI regulations providing that all income, even otherwise excluded income, is to be counted when determining eligibility for the indigence exception. (POMS §§[SI 00502.280\(B\)\(1\)\(b\)](#), [SI 00815.050](#); MPP §49-037.441).

Expiration of Temporary Changes to CAPI Procedures

The flexibilities and program modifications in this ACL and in the related PML dated March 20, 2020 shall expire automatically and without further notice from CDSS within 90 days of issuance of the respective document, or earlier upon written notice from the Department. Once all flexibilities and guidance in this letter have expired, all requirements modified herein shall be reinstated, unless further extended by CDSS.

Questions regarding the contents of this ACL should be directed to the Benefit Programs Unit, California Department of Social Services Adult Programs Division at 916-653-3850 or capi@dss.ca.gov.

Sincerely,

Original Document Signed By:

DEBBI THOMSON
Deputy Director
Adult Programs Division