

March 4, 2021

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 21-24

The purpose of this All County Letter is to provide instructions to County Welfare Departments for the implementation of sections 36, 37, and 86 of Assembly Bill (AB) 79 (Chapter 11, Statutes of 2020), henceforth referred to as AB 79. AB 79 enacts changes to the California Welfare and Institutions Code section 11265, 11265.1 and 18901.10 for the CalFresh, California Work Opportunity and Responsibility to Kids, Refugee Cash Assistance/Entrant Cash Assistance, and Trafficking and Crime Victims Assistance programs.



KIM JOHNSON
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



GAVIN NEWSOM
GOVERNOR

March 4, 2021

ALL COUNTY LETTER NO. 21-24

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

SUBJECT: CALFRESH, CALIFORNIA WORK OPPORTUNITY AND
RESPONSIBILITY TO KIDS, REFUGEE CASH
ASSISTANCE/ENTRANT CASH ASSISTANCE, AND
TRAFFICKING AND CRIME VICTIMS ASSISTANCE PROGRAM
IMPLEMENTATION OF ASSEMBLY BILL 79 SECTIONS 36, 37
AND 86

REFERENCES: [ASSEMBLY BILL \(AB\) 79 \(CHAPTER 11, STATUTES OF 2020\);](#)
[WELFARE AND INSTITUTIONS CODE \(WIC\) SECTIONS 11265,](#)
[11265.1, 18901.10; TITLE 7 CODE OF FEDERAL REGULATIONS](#)
[SECTION 273.2\(f\)\(6\), 7 CFR 273.10\(c\)\(1\)\(ii\), 7 CFR 273.2\(e\)\(2\)\(i\),](#)
[7 CFR 273.2\(e\)\(3\), 7 CFR 273.14\(b\)\(3\)\(iii\); MANUAL OF POLICY](#)
[AND PROCEDURES \(MPP\) SECTION 40-181.2, MPP SECTION](#)
[63-300.4, MPP SECTION 63-300.46, MPP Section 69-201.4, MPP](#)
[SECTION 69-301, MPP SECTION 70-105; ALL COUNTY LETTER](#)
[\(ACL\) No. 12-25, AND ACL No. 19-10](#)

The purpose of this All County Letter (ACL) is to provide instructions to County Welfare Departments (CWDs) for the implementation of sections 36, 37, and 86 of [Assembly Bill \(AB\) 79 \(Chapter 11, Statutes of 2020\)](#), henceforth referred to as AB 79. AB 79 enacts changes stipulated by the [California Welfare and Institutions Code \(WIC\) section 11265, 11265.1 and 18901.10](#) for the CalFresh, California Work Opportunity and Responsibility to Kids (CalWORKs), Refugee Cash Assistance (RCA)/Entrant Cash Assistance (ECA) and Trafficking, and Crime Victims Assistance Program (TCVAP) programs.

AB 79 imposes the following changes:

1. Requires a household/assistance unit (AU) to provide information on income received during the 30 days prior to submission of the household's annual recertification for CalFresh or AU's annual redetermination for CalWORKs;
2. Eliminates the requirement that the Eligibility Status Report Form (SAR 7) be signed no earlier than the first day of the sixth month of the semi-annual reporting (SAR) period as a criterion for completeness;
3. Expands the options for CWDs to attempt to make a personal contact to remind a household/AU that a SAR 7, recertification, and/or redetermination is due;
4. Requires CWDs to attempt to collect the necessary information to complete the SAR 7, recertification, and/or redetermination; and
5. Requires CWDs to implement one or more interview scheduling techniques for CalFresh at initial application and recertification to the extent they are not currently in use, no later than July 1, 2021.

AB 79 was signed into law on June 30, 2020 and is effective upon release of this letter.

I. PREVIOUS POLICY

Income Verification Requirements at Annual Recertification/Redetermination

CalFresh Recertification

Recertification is the process by which CWDs determine continuing eligibility for CalFresh households prior to the end of a household's current certification period. The recertification process mirrors the initial application process and must be based on the most current information available to the household to ensure an accurate eligibility determination and the appropriate benefit amount.

As part of the recertification process, households must provide updated verification of certain eligibility factors to determine continuing eligibility for CalFresh. Previously, per [ACL No. 12-25](#) issued on May 17, 2012, households were required to provide verification of any income received for the month prior to recertification (often referred to as the 'data month'). CWDs use this information, along with information about any anticipated changes in the household's circumstances, to determine the household's continuing eligibility for CalFresh and to establish the benefit amount for the new certification period.

To request verification of income if not already provided with the submission of the recertification application, CWDs send the Request for Verification (CW 2200) and must allow households at least 10 days to provide the required information.

CalWORKs Redetermination

Redetermination is the process by which CWDs determine continuing eligibility for CalWORKs AUs prior to the end of an AU's current payment period, and ensure payment is made only to eligible AUs in the correct amount to assist AUs to meet their financial and service needs as fully as possible and to maximize the use of their resources and capabilities.

The information provided during the interview together with the submitted verification must be sufficient for the CWD to determine eligibility and grant amounts. Income reported at redetermination must include current earned, unearned, exempt, and nonexempt income. AUs must also report any reasonably anticipated changes to that income.

CalFresh Process for Late or Incomplete Recertifications

The CalFresh recertification process must be completed before the end of a household's certification period to avoid a disruption in benefits. To be considered timely, a complete CalFresh application for recertification must be complete by the 15th day of the month in which it is due. This allows sufficient time to determine benefit amounts and issue timely notice for the following payment period.

When the application for recertification is not complete by the 15th day of the month in which it is due, the county must send the appropriate notice. For households that fail to submit a recertification application the Notice of Expiring Certification (CF 377.2) is sufficient.

CalWORKs Process for Late or Incomplete Redeterminations

The annual redetermination process must be completed in the sixth month of the second Semi-Annual Reporting payment period of every year or in the twelfth month of the Annual Reporting Child Only payment period. To be considered timely, a complete SAWS 2 Plus/Statement of Facts must be complete by the 15th day of the month in which it is due in order to allow sufficient time to determine benefit amounts and issue timely notice for the following payment period.

When the redetermination of eligibility is not complete by the 15th day of the month in which it is due, the CWD must send the appropriate discontinuance notice.

In addition to the notice of discontinuance, the CWD must attempt to make personal contact with the AU either by telephone or in a face-to-face meeting. During the personal contact the county must remind the AU that the redetermination process must be complete no later than the last day of the month in which it is due. The CWD must

document in the case record how and when the contact was attempted or made and document the details of the conversation.

SAR 7 Completeness Criteria

All households/AUs assigned to SAR are required to submit a complete SAR 7 to the CWD on the 5th calendar day of the submit month. For CalFresh, the submit month may vary depending on the household's certification period length. The SAR 7 captures income and eligibility information from the previous month, often referred to as the "data month", as well as information about any changes in income and expenses that can be reasonably anticipated to continue. This information is used to determine the income and expenses that can be anticipated and used to determine the benefit level for the upcoming payment period.

Per [ACL No. 12-25](#), the SAR 7 is considered complete if:

1. The form was signed no earlier than the first day of the SAR submit month by the persons specified by the Department;
2. All questions and items were fully answered, and information provided on the SAR 7 form together with attached documentation provides enough information to allow for the determination of eligibility and benefit level; and
3. All required verifications are provided.

Under previous policy, a SAR 7 is not considered complete if the form was signed earlier than the first day of the submit month, if all questions were not fully answered, or if all required verifications were not provided.

As a reminder, if the recipient is a sponsored non-citizen, the SAR 7 must be submitted with the supplemental *Sponsor's Semi Annual Income and Resources Report* (SAR 72) and for CalWORKs, when a minor parent is living with their senior parent, the *Senior Parent Semi-Annual Income Report* (SAR 73) must also be submitted with the SAR 7.

Process for Late or Incomplete SAR 7 Submissions

The SAR 7 is due on the 5th of the submit month and is considered timely if it is received by the CWD between the 1st and the 11th calendar day of the submit month. The SAR 7 is considered late if it is received after the 11th calendar day.

When a SAR 7 is not received by the 11th calendar day, or is received but determined to be incomplete, the CWD must send a discontinuance notice to the household/AU, effective the end of the submit month.

If the CWD initially received an incomplete SAR 7 from the household/AU, the CWD must issue the NA 960Y Notice of Action which informs the household/AU of specific information and documentation needed for the SAR 7 to be considered complete and the deadline by which the household/AU must submit the information to avoid being discontinued.

Benefits will be discontinued at the end of the submit month if the household/AU fails to submit a complete SAR 7 after the CWD has provided timely notice of discontinuance and has taken appropriate steps to remind the household/AU of their failure to submit a complete SAR 7.

CalWORKs, RCA/ECA, and TCVAP Only

When a complete SAR 7 has not been received by the CWD after the discontinuance notice has been sent, the CWD must attempt to make a personal contact either by telephone or in a face-to-face meeting. This is often referred to as a 'Balderas personal contact'. During the personal contact the CWD must remind the recipient that a complete SAR 7 must be received by the CWD no later than the end of the first working day of the next SAR payment period.

When the AU cannot be personally contacted, a written reminder notice must be mailed no later than five days prior to the last calendar day of the submit month. The CWD must document in the case record how and when the contact was attempted or made.

A CalWORKs, RCA/ECA and TCVAP termination for incomplete SAR 7 is not valid unless an attempted Balderas personal contact is made and documented in the case record and a Balderas reminder notice is sent if personal contact cannot be made.

II. POLICY CHANGES

Change to Income Verification Requirements at Recertification and Redetermination

The income information CWDs consider at recertification and redetermination must be recent so that it best reflects a household/AU's anticipated income for the upcoming payment period. AB 79 intends to ensure CWDs are collecting the most recent income information to support an accurate eligibility determination, while also providing needed flexibility to request verification of income received by the household/AU outside of the data month.

With the implementation of AB 79, [WIC section 11265\(b\)\(3\)](#) requires households/AUs to provide information about income received during the 30 days prior to submission of their annual application for recertification/redetermination for both CalFresh and CalWORKs. There is no defined date or date range for submission under this provision.

CWDs must determine the relevant 30-day period based on when the household/AU submits their application for recertification/redetermination or when a request for income verification is made using the Request for Verification form (CW 2200). This approach accounts for the various timeframes in which a household/AU may submit a complete annual application for recertification/redetermination, including verification of income, or when a CWD requests additional income verification if required and not originally submitted by the household with their application for recertification/redetermination.

The change to the 30-day time period only applies to recertification/redetermination. There are no changes to income verification requirements at initial application, SAR 7, or at any other time during the certification period. This change aligns state policy with existing federal regulations at [7 CFR 273.10\(c\)\(1\)\(ii\)](#) for CalFresh.

For households/AUs reporting earned or unearned income, CWDs must request verification of any income received during the 30 days prior to submission of the household/AU's annual application for recertification/redetermination. Verification is not required for households/AUs who report receiving no income during the 30 days prior to submission of their annual application for recertification/redetermination.

Verification of income received in the 30 days prior to submission of a household/AU's application for recertification/redetermination is not required if:

- The income source has stopped (i.e. job loss); or
- The income is not reasonably anticipated to continue; and
- The loss of income is not questionable.

CWDs must not request income verification when the income is not reasonably expected to continue and will not be used to determine eligibility for the upcoming payment period. For CalFresh, see [ACL No. 20-48](#) issued on April 22, 2020, for information specific to verification requirements and treatment of a report of job loss/zero income.

Requesting Income Verification

The CW 2200 is the required form to use for requesting verification. CWDs may not limit verifications to a specific type and must accept any verification that satisfies the verification requirement. A sworn statement may be accepted as income verification when all efforts to obtain other sources of income verification have been exhausted.

If complete income verification is not submitted with the application for recertification/redetermination, the CWD must send the CW 2200 to request verification of income received. When using the CW 2200, CWDs are required to list the specific date range for which the income verification is being requested to comply with adequate noticing requirements. To fulfill this requirement under this new policy, the CWD must

request income verification for the 30 days prior to the date listed on the CW 2200. If the client returns the CW 2200 with income verification that is outside of the 30-day period listed on the form, but is sufficient for determining eligibility, the CWD must accept the verification.

Requesting verification of income received during the last 30 days will ensure that the CWD is requesting the most recent income information available to a household/AU and best reflects a household/AU's anticipated income for the upcoming payment period. This rule is especially important if the CWD is requesting income verification under CalFresh delayed processing rules or when granting good cause for CalWORKs because the request for verification may be much later than the date of the original submission of the application for recertification/redetermination.

Request for Verifications that Cross Calendar Months

Under AB 79, the CWD must request verification of income received during the 30 days prior to submission of a household/AU's application for recertification/redetermination or the 30 days prior to the date listed on the CW 2200. This 30-day period may not always fall within a calendar month. Therefore, households/AUs must only be required to provide income verification for a specific calendar month when it is applicable to their case circumstances.

Depending on when the household submits their application for recertification/redetermination or when a request for verification is sent to a household/AU, the household/AU may provide income verification that crosses one or more calendar months. To determine the appropriate monthly income amount when income verification crosses calendar months, the CWD must convert the income to a monthly average using the weekly, bi-weekly, or semi-monthly conversion factors in accordance with [ACL No. 12-25](#) issued on May 17, 2012.

CalFresh Delayed Processing

For CalFresh, when an application for recertification is processed outside of the normal timeline, delayed processing is applied to the case. Regulations under [WIC section 11265\(b\)\(3\)](#) do not change CalFresh delayed processing procedures, including when verifications are submitted late. For detailed information on delayed processing, see [ACL No. 19-10](#) issued on February 3, 2019.

For CalWORKs, the late redetermination and good cause determination processes remain unchanged and can be found in [MPP 40-181.2](#).

Change to SAR 7 Completeness Criteria

Under AB 79, [WIC section 11265.1\(c\)\(4\)\(A\)](#) has been amended to eliminate the requirement for the SAR 7 to be signed no earlier than the first day of the submit month of the SAR period for the SAR 7 to be considered complete.

The SAR 7 must now be considered complete if:

1. The form is signed and dated by the persons specified by the Department;
2. All questions and items were fully answered, and information provided on the SAR 7 form together with attached documentation, provides enough information to allow for the determination of eligibility and benefit level; and
3. All required verifications are provided.

The requirements that a sponsored non-citizen submit the SAR 72 with the SAR 7 and that for CalWORKs a minor parent living with their senior parent submit the SAR 73 with the SAR 7, remain unchanged.

The CDSS acknowledges that the instructions on the SAR 7 and *How to Fill Out Your SAR 7 Eligibility Status Report* (SAR 7A) regarding the signature requirement are not aligned with the requirements under AB 79. The CDSS will work with the consortia to update all relevant forms as soon as administratively possible. Notwithstanding the necessary form updates, the CWD must accept a SAR 7 if signed before the first day of the submit month, if the form is otherwise complete.

Expansion of Options for Personal Contact for Late or Incomplete SAR 7 or Recertification/Redetermination Submissions

AB 79 amends [WIC section 11265\(c\)\(1\)](#) and [WIC section 11265.1\(c\)\(5\)](#) by expanding the options for the requirement to attempt to make personal contact with a household/AU. Options for making personal contact for late or incomplete SAR 7 and application for recertification/redetermination submissions now include text or other electronic means, when consent is provided by the household/AU.

Instructions for Attempting to Make a Personal Contact

Pursuant to AB 79, prior to terminating benefits, a county worker must attempt to make personal contact via telephone or, if consent has been provided, text message or electronically, to remind the household that a complete report is due and attempt to collect the necessary information to complete the report. Regardless of how consent is obtained or how the attempt for personal contact is made, both the consent and attempt must be documented in the case record.

If the CWD attempts to make personal contact and is successful in reaching the household/AU, the CWD must attempt to collect the information needed to complete the

report, except for signing the report on behalf of the client. If necessary, the CWD must collect a wet or electronic signature, including telephonic signature, to ensure the SAR 7 is complete. The CWD must explore any missing or unclear information with the household/AU and the report may be completed with the assistance of the CWD if requested by the household/AU. CWDs may not attempt to collect missing information or verification without first informing the household/AU.

If the CWD attempts to make personal contact and is unable to reach the household/AU or collect the information necessary to complete the report, the CWD must document in the case record that an attempt was made to contact and collect the necessary information to complete the report. CWDs should attempt the personal contact after sending the notice of discontinuance.

The Balderas Reminder Notice for CalWORKs shall be mailed no later than five days prior to the last day of the month when required for Semi Annual Reporting AU's.

Flexible CalFresh Interview Scheduling

Many CWDs offer a number of interview scheduling methods to provide flexibility for households and support them in completing their interview. Under AB 79, [WIC section 18901.10](#) specifies the methods CWDs may use to schedule and reschedule CalFresh interviews at initial application and annual recertification. To the extent they are not currently in use, CWDs must implement one or more of the following interview scheduling methods:

- Time-block interviews;
- Telephonic contact in conjunction with the provision of written communication about the need to schedule an interview; or
- Same-day interviews.

Time-Block

The time-block interview option allows either the household or the CWD to initiate a call during a reasonable block of time, on a specific date, to complete their interview. The time-block option differs from the on-demand interview method because the interview is scheduled on a specific date during a designated block of time. Time block scheduling may be offered without a waiver of federal rules.

Under this option, the CWD must schedule the interview on a specific date for a designated block of time. For initial application, the interview must be scheduled within 30 days from the date the application is filed per [MPP 63-300.46](#). For recertification, the interview must be scheduled by the 15th of the final month of the certification period per [MPP 63-504.61](#).

When informing households of their interview appointment, either via appointment letter or other means, the CWD must specify the specific date and block of time in which the household will be called or needs to call the CWD to complete the interview. The CWD must document when and how the household was informed of their time-block interview appointment. CWDs have discretion in determining the block of time in which households may call or receive a call.

When the CWD is calling the client, the designated time block must provide households a reasonable window of time during which to expect the call. Otherwise, clients may be unavailable and time-block scheduling may impact the CWD's ability to effectively complete scheduled interviews. It is strongly recommended that CWD's choosing this option use no more than a two-hour time block.

When the client is initiating the call, the designated time block must also provide households a reasonable window of time during which to make the call. CWDs are encouraged to provide maximum flexibility to accommodate household schedules, including those of working families. It is strongly recommended that CWDs choosing this option offer a minimum of a two-hour time block and up to a full eight-hour time block when possible.

CWDs must carefully consider business processes and capacity for telephone-based service when implementing a time-block interview option. Specific considerations include:

- Having a robust phone system to support the number of incoming calls;
- Having the required number of staff to support the number of incoming calls;
- Maintaining face-to-face, or other interview options for households; and
- Electronic or telephonic signature capability.

If the household fails to call the CWD during their scheduled time-block appointment, the CWD must document any attempts made to contact the household in the case record and send the Notice of Missed Interview (NOMI). If the household calls outside of their timeframe on the day of the scheduled interview, the CWD should attempt to complete the interview at that time. If the interview cannot be completed, the CWD must reschedule the interview with the household.

Telephonic Contact in Conjunction with Written Communication

The telephonic contact option allows CWDs to attempt to make telephone contact with a household to complete an on-demand interview or schedule the interview at a time that is mutually feasible for both the CWD and the household. For recertification, the

attempt to make telephone contact must be in addition to sending a written notice of the interview appointment.

Additionally, per [7 CFR 273.2\(e\)\(2\)\(i\)](#), at the time of the telephonic contact, CWDs must inform each household of the opportunity for a face-to-face interview and grant a face-to-face interview if requested by the household or its authorized representative at any time.

If the CWD attempts to make telephonic contact and is unable to reach the household, the CWD must document in the case record the attempt made to contact the household. If the household returns the call, the CWD must offer to complete an on-demand interview or schedule the interview at a time that is mutually feasible for both the CWD and the household.

Note that either the time block or telephone contact scheduling methods can be combined with the on-demand interview method without a federal waiver. Households may be provided a time block or interview appointment but also told that they can call the CWD to complete their interview on-demand at any time before the time block or interview appointment. This approach satisfies the federal requirement to provide the household an interview appointment, but also provides the household flexibility to complete the interview ahead of their scheduled interview appointment. This approach may improve the CWD's rate of interview completion. As with the time block method, CWDs must carefully consider business processes and capacity for telephone-based service when implementing this combined approach.

Same-Day Interviews

The same-day interview option allows CWDs to offer and complete the interview the same day an application is submitted. When this option is used, the CWD must offer a same-day interview to a household whether applying in-person or via telephone.

When same-day interviews are available either in-person or over the telephone, the CWD must conduct the interview, collect the needed verification, and issue benefits within the same day whenever possible.

Missed Interviews

Regardless of the interview scheduling method used by a CWD, per [7 CFR 273.2\(e\)\(3\)](#) and [7 CFR 273.14\(b\)\(3\)\(iii\)](#), CWDs must send a NOMI when a household misses its scheduled interview at initial application or recertification.

When the household misses their initial application interview appointment, the CWD must send a NOMI to remind the household to reschedule their interview prior to the

30th day after application. If the household fails to contact the CWD to reschedule and time has run out for processing the application by the 30th day, the CWD must deny the application for not completing the application process per [MPP 63-300.46](#). When this occurs, the NOMI must list that the client's last date to comply is 30 days after the date of application, extended to the next working day when the 30th day falls on a weekend or holiday. For information about the use of the NOMI at recertification, refer to [ACL No. 19-10](#) issued February 3, 2019.

IV. PROGRAM ADMINISTRATION

RCA/ECA and TCVAP Administration

The RCA/ECA and TCVAP cash assistance programs follow the CalWORKs administrative rules with certain exceptions. Pursuant to [MPP Section 69-201.4](#), CalWORKs program regulations apply to financial eligibility and payments for the RCA program, unless specifically superseded by RCA regulations. Unless otherwise specified, ECA and TCVAP recipients must be provided cash assistance under the same conditions, and to the same extent as the RCA program, per [MPP Section 69-301](#) and [MPP Section 70-105](#), respectively.

Quality Control and Management Evaluations

Federal regulations at [7 CFR 273.2\(f\)\(6\)](#) require that the case record provide sufficient documentation to support eligibility, ineligibility, and benefit level determinations. It is critical for CWDs to clearly document any actions taken on cases as well as any contacts or attempted contacts to the household.

Documentation must provide enough detail to permit a reviewer to determine if the action taken on the case was reasonable and accurate. Clear documentation is vital in presenting information that is not available in the data collection areas of the eligibility system. Case documentation must be sufficient in detail to permit a reviewer to determine the logic and accuracy of actions taken, as well as to determine compliance with relevant state and federal law.

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If you have any questions regarding this ACL, please contact the CalFresh Policy and Employment Bureau at CalFreshPolicy@dss.ca.gov, the CalWORKs Early Engagement and Eligibility Bureau at (916) 654-1322, or the Refugee Programs Bureau at (916) 654-4356 or RPB@dss.ca.gov.

Sincerely,

Original Document Signed By

JENNIFER HERNANDEZ
Deputy Director
Family Engagement and Empowerment Division