

June 28, 2023

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

**EXECUTIVE SUMMARY**

**ALL COUNTY LETTER NO. 23-59**

The purpose of this All County Letter is to provide guidance to County Welfare Departments regarding a federal regulation change to CalFresh eligibility that imposes new disqualifications for certain convicted felons. Individuals convicted of certain crimes are ineligible for CalFresh benefits.



KIM JOHNSON  
DIRECTOR

CALIFORNIA HEALTH & HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**  
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GAVIN NEWSOM  
GOVERNOR

June 28, 2023

ALL COUNTY LETTER NO. 23-59

TO: ALL COUNTY WELFARE DIRECTORS  
ALL CALFRESH PROGRAM SPECIALISTS  
ALL CONSORTIA MANAGERS  
ALL QUALITY CONTROL COORDINATORS  
ALL COUNTY SPECIAL INVESTIGATIVE UNIT CHIEFS

SUBJECT: CALFRESH ELIGIBILITY DISQUALIFICATIONS FOR CERTAIN  
CONVICTED FELONS

REFERENCE: [UNITED STATES CODE \(U.S.C., TITLE 7, CHAPTER 51, SECTION 2015\(r\); FEDERAL REGISTER \(FINAL RULE\): SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM: STUDENT ELIGIBILITY, CONVICTED FELONS, LOTTERY AND GAMBLING, AND STATE VERIFICATION PROVISIONS OF THE AGRICULTURAL ACT OF 2014; TITLE 7 OF THE CODE OF FEDERAL REGULATIONS \(CFR\) SECTION 273.1\(b\)\(7\); 7 CFR 273.2\(f\)\(2\); 7 CFR 273.2\(g\); 7 CFR 273.2\(i\)\(3\); 7 CFR 273.2\(o\); 7 CFR 273.11\(n\); 7 CFR 273.11\(s\); AND ALL COUNTY LETTER \(ACL\) NO. 15-82](#)

The purpose of this All County Letter (ACL) is to provide guidance to County Welfare Departments (CWDs) regarding a federal regulation change to CalFresh eligibility that imposes new disqualifications for certain convicted felons. Individuals convicted of certain crimes are ineligible for CalFresh benefits.

### **Background**

On April 15, 2019, the Food and Nutrition Service (FNS) published the final rule for the Supplemental Nutrition Assistance Program (SNAP): Student Eligibility, Convicted Felons, Lottery and Gambling, and State Verification Provisions of the Agricultural Act of 2014 ([84 FR 15083, hereinafter referred to as the Final Rule](#)).

United States Code Section 2015(r) prohibits SNAP eligibility for individuals convicted of certain crimes. The Final Rule added a series of regulations that implement this prohibition and related policies, including [7 CFR 273.11\(s\)](#). This Final Rule also makes individuals convicted of certain felonies ineligible for SNAP benefits as listed at [7 CFR 273.1\(b\)\(7\)\(xii\)](#).

The Final Rule also requires individuals applying for SNAP benefits to attest to whether the applicant or any other household member was convicted of any of the enumerated offenses. In addition, although those disqualified from receiving SNAP benefits under this provision are not eligible members of a SNAP household, the statute requires that their income and resources be included in eligibility determinations for the other eligible household members.

### **CalFresh Eligibility Disqualifications for Certain Convicted Felons**

According to federal regulations at [7 CFR 273.11\(s\)](#), an individual will not be eligible for CalFresh benefits if convicted as an adult of any of the following crimes **after February 7, 2014**:

- i. Aggravated Sexual Abuse under [section 2241 of title 18, United States Code](#);
- ii. Murder under [section 1111 of title 18, United States Code](#);
- iii. Sexual Exploitation and other abuse of children under chapter 110 of title 18, United States Code;
- iv. A Federal or State offense involving sexual assault, as defined in section 40002(a) of the Violence Against Women Act of 1994 ([42 U.S.C. 13925\(a\)](#)); or,
- v. An offense under State law determined by the Attorney General to be substantially similar to an offense in (i) through (iii) above.

Please note that these new eligibility disqualifications for certain crimes do not change the current fleeing felons and probation or parole violators rules at [7 CFR 273.11\(n\)](#) and outlined in [ACL 15-84](#).

### **New Attestation Requirement**

New federal regulations at [7 CFR 273.2\(o\)](#) require every individual applying or recertifying for CalFresh benefits to attest to whether the individual or any member of the household has been convicted of a crime as an adult, described in [7 CFR 273.11\(s\)](#), and whether the convicted member is in compliance with the terms of their sentence.

To comply with this new requirement, the following question will be added to all CalFresh applications:

*“Have you or any member of your household been convicted as an adult of aggravated sexual abuse, murder, sexual exploitation and/or other abuse of children, a Federal or State offense involving sexual assault, or an offense under State law determined by the Attorney General to be similar to any of the offenses listed, and the conviction happened after February 7, 2014?” ☐ Yes ☐ No*

Per [7 CFR 273.2\(o\)\(1\)](#), attestations may be done in writing, verbally, or both. CWDs must clearly explain the attestation requirement to the applicant household during the interview. No individual will be required to come to the CWD office solely for an attestation.

Per [7 CFR 273.2\(o\)\(2\)](#), CWDs must document the attestation in the case file.

Per [7 CFR 273.2\(o\)\(3\)](#), verification requests must be limited to attestations that are considered questionable. The CWD must follow the standards established under [7 CFR 273.2\(f\)\(2\)](#) to determine whether an attestation is questionable. An attestation is questionable when there are contradicting or discrepant elements to the information that would cast doubt on its timeliness, completeness, or accuracy. When verifying a questionable attestation, the CWD must verify any conviction for a crime described in [7 CFR 273.11\(s\)](#) and that the individual is out of compliance with the terms of their sentence. It is highly recommended that CWDs use available tools such as the county Special Investigative Unit (SIU), Investigator(s), and the Recipient Income and Eligibility Verification System (R-IEVS) Fleeing Felon Match to verify an attestation believed to be questionable.

Per [7 CFR 273.2\(o\)\(4\)](#), application processing must not be delayed beyond required processing timeframes solely because the CWD has not obtained verification of an attestation. The CWD must continue to process the application while awaiting verification. If the CWD is required to act on the case without being able to verify an attestation to meet the time standards in [7 CFR 273.2\(g\)](#) or [7 CFR 273.2\(i\)\(3\)](#), the CWD must process the application without consideration of the individual's conviction status.

### **CalFresh Application Forms Update and Automation Timeline**

All new and existing CalFresh Application forms will be revised to include the new attestation requirement as soon as administratively feasible. Implementation of the eligibility disqualifications for certain convicted felons' policy is effective upon funding and the completion of automation in the California Statewide Automated Welfare

System (CalSAWS). The attestation requirement will also be added to the application flow in BenefitsCal for all online applications.

### **Quality Control**

CalFresh Quality Control (QC) will review cases based on the updated guidance on the new eligibility disqualifications for certain convicted felons issued in this letter. QC must apply the verification standards and procedures specified in the [Supplemental Nutrition Assistance Program \(SNAP\) Quality Control Review Handbook \(Food and Nutrition Service Handbook 310\)](#) for its review. CWDs are reminded that the case record must provide sufficient documentation to support the benefit level determination. Documentation must provide enough detail to permit a reviewer with no prior knowledge of the individual case to determine the accuracy of benefit allotments, and the case record should specifically address any disqualifications for certain convicted felons.

### **Copies and Translations**

Forms referenced in this letter are available on the [CDSS Forms/Brochures](#) webpage. When CDSS completes all translations of a form, they are posted on the [Translated Forms and Publications](#) webpage. When made available by CDSS, forms translated into an individual's preferred language must be provided to the individual pursuant to [Manual of Policies and Procedures \(MPP\) Section 21-115.2](#). For questions on translated materials, please contact Language Services at (916) 651-8876. If translations are not available, recipients who have elected to receive materials in languages other than English should be sent the English version of the form or notice along with the [GEN 1365-Notice of Language Services](#) and a local contact number.

Per [Government Code Section 7290, et seq.](#), the CWDs must ensure that effective bilingual services are provided. This requirement may be met through utilization of paid interpreters, qualified bilingual employees, and qualified employees of other agencies or community resources. These services must be provided, free of charge, to the applicant/recipient. If CDSS does not provide translations of a form, it is the county's responsibility to read and interpret the form if an applicant or recipient requests it.

Additionally, the CWDs must provide auxiliary aids and services to persons who are deaf or hearing impaired, or persons with impaired speech, vision, or manual skills, where applicable. More information regarding provisions for services to applicants and recipients who have limited English proficiency or who have disabilities can be found in [MPP Section 21-115](#) and [ACL 19-45](#).

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If you have any questions or need additional guidance regarding the information in this letter, contact the CalFresh Policy and Employment Bureau at [CalFreshPolicy@dss.ca.gov](mailto:CalFreshPolicy@dss.ca.gov).

Sincerely,

***Original Document Signed By***

JULIANNA VIGNALATS  
Acting Deputy Director  
Family Engagement and Empowerment Division