

September 29, 2023

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 23-59E

The purpose of this errata is to revise language in All County Letter No. 23-59 regarding a federal regulation change to CalFresh eligibility that imposes new disqualifications for certain convicted felons. Individuals convicted of certain crimes and not in compliance with the terms of their sentence are ineligible for CalFresh benefits.



KIM JOHNSON
DIRECTOR

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



GAVIN NEWSOM
GOVERNOR

September 29, 2023

ERRATA

ALL COUNTY LETTER NO. 23-59E

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

SUBJECT: ERRATA TO 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; ACL 23-59](#)

The purpose of this errata is to revise language in [All County Letter \(ACL\) No. 23-59](#), released on June 28, 2023, regarding a federal regulation change to CalFresh eligibility that imposes new disqualifications for certain convicted felons. Individuals convicted of certain crimes and not in compliance with the terms of their sentence are ineligible for CalFresh benefits. These revisions are due to recent clarification in policy from the United States Department of Agriculture (USDA), Food and Nutrition Service (FNS).

The original and revised language for the impacted section is provided below. Deletions are contained within brackets and marked with a ~~[strike through]~~ and additions are contained within braces in **{bold}**.

The original language on page one reads:

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.

The revised language reads:

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 **{and not in compliance with the terms of their sentence}** are ineligible for CalFresh benefits.

The original language on page two reads:

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](#).

The revised language reads:

United States Code Section 2015(r) prohibits SNAP eligibility for individuals convicted of certain crimes **{and not in compliance with the terms of their sentence}**. 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 **{and not in compliance with the terms of their sentence}** 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 **{and is in compliance with the terms of their sentence}**. 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]~~ **{is}** not ~~[be]~~ eligible for CalFresh benefits if convicted as an adult **{after February 7, 2014,}** of any of the following crimes **{and not in compliance with the terms of their sentence}** ~~[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]~~ **{[ACL No. 15-82](#), released October 14, 2015}**.

The original language on page three reads:

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

The revised language reads:

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 **{, after February 7, 2014,}** 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]~~ **{and not in compliance with the terms of their sentence}**?" __ Yes __ No*

The original language on page three reads:

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.

The revised language reads:

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 **{and sentence compliance}** status.

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](#).

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.

Sincerely,

Original Document Signed By

ALEXIS FERNÁNDEZ GARCIA
Deputy Director
Family Engagement and Empowerment Division