

December 20, 2024

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 24-93

The purpose of this All County Letter is to inform counties of a change to the Public Assistance Household and In-Kind Support and Maintenance definitions for the Cash Assistance Program for Immigrants; and to provide the revised policy for evaluating each when determining eligibility. This letter also announces an expanded time frame for overpayment recovery.



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DEPARTMENT OF SOCIAL SERVICES
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GAVIN NEWSOM
GOVERNOR

December 20, 2024

ALL COUNTY LETTER NO. 24-93

TO: ALL COUNTY WELFARE DIRECTORS
ALL CASH ASSISTANCE PROGRAM FOR IMMIGRANTS
MANAGERS

SUBJECT: PUBLIC ASSISTANCE HOUSEHOLD DEFINITION EXPANSION
POLICY, OMITTING FOOD FROM IN-KIND SUPPORT AND
MAINTENANCE CALCULATIONS POLICY, AND OVERPAYMENT
RECOVERY POLICY FOR THE CASH ASSISTANCE PROGRAM
FOR IMMIGRANTS

REFERENCE: [SOCIAL SECURITY ADMINISTRATION FINAL RULE PUBLIC
ASSISTANCE HOUSEHOLD](#); [SOCIAL SECURITY
ADMINISTRATION FINAL RULE OMITTING FOOD](#); [SOCIAL
SECURITY ADMINISTRATION PRESS RELEASE
MARCH 20, 2024](#); [WELFARE AND INSTITUTIONS CODE
SECTION 18940](#); PROGRAM OPERATIONS MANUAL SYSTEM
(POMS) [SI 00810.005](#), [SI 00835.130](#), [SI 00835.300](#), [SI 01320.141](#),
[SI 02220.026\(A\)\(2\)](#); MANUAL OF POLICIES AND PROCEDURES
(MPP) [49-005\(e\)\(3\)](#), [49-005\(i\)\(1\)](#), [49-005\(i\)\(2\)](#), [49-035.4](#),
[49-035.511](#), [49-035.522\(c\)](#), AND [49-050.243](#); ALL COUNTY
LETTER (ACL) [98-82](#), [00-73](#), [22-12](#), AND [22-12E](#); ALL COUNTY
INFORMATION NOTICE (ACIN) [I-25-19](#) and [I-76-19](#).

The purpose of this All County Letter (ACL) is to inform counties of a change to the Public Assistance Household (PAH) and In-Kind Support and Maintenance (ISM) definitions for the Cash Assistance Program for Immigrants (CAPI) program; and to provide the revised policy for evaluating PAH and ISM when determining CAPI eligibility. This ACL also announces an expanded time frame for overpayment recovery.

This ACL supersedes PAH and ISM definition guidance previously provided in [ACL 98-82](#), [All County Information Notice \(ACIN\) I-25-19](#), and [ACIN I-76-19](#); and also supersedes overpayment recovery guidance provided in [ACL 00-73](#). Any modifications to currently published forms will be announced after the publication of this ACL.

Note: This ACL does not affect nor supersede previously published guidance regarding sponsor deeming or indigence exception determinations.

BACKGROUND

Pursuant to the [California Welfare and Institutions Code Section 18940](#), except as otherwise listed, the federal and state laws and regulations governing the Supplemental Security Income/State Supplementary Payment (SSI/SSP) program shall govern the CAPI program. Additionally, federal deeming rules and exemptions governing the SSI/SSP program, including all federal and state laws and regulations designed to protect SSI/SSP recipients and their resources, shall also govern the CAPI program. This does not include laws and regulations pertaining to administrative procedures, those that are difficult or impossible to replicate due to technical or program limitations, or those that are inconsistent with the purpose of the CAPI program, per [Manual of Policies and Procedures \(MPP\) 49-001.1](#).

SOCIAL SECURITY ADMINISTRATION RULE CHANGES

The Social Security Administration (SSA) announced two rule changes in 2024 for the SSI/SSP program: the expansion of the PAH definition and omitting food from being counted as ISM. Additionally, SSA made changes to their SSI/SSP overpayment recovery policy. This ACL addresses how each of these changes affects CAPI. Amendments to the CAPI regulations which reflect these changes are forthcoming, and in the meantime, counties are to follow the guidance contained within this ACL.

Note: Updates within the California Statewide Automated Welfare System (CalSAWS) regarding these policy changes may be necessary.

EXPANSION OF CASH ASSISTANCE PROGRAM FOR IMMIGRANTS PUBLIC ASSISTANCE HOUSEHOLD DEFINITION

Effective September 30, 2024, SSA's [Final Rule](#) expands the definition of a [PAH](#) from a household in which every member of the SSI applicant's or recipient's household received some form of Public Income Maintenance (PIM) payment to a household which has both an SSI/SSP applicant or recipient and at least one other household member who receives one or more of the listed PIM payments.

Additionally, the Final Rule expands PIM payments to include Supplemental Nutrition Assistance Program (SNAP) payments (also known as CalFresh payments) and provides for deeming exclusions when an ineligible spouse or parent receives at least one PIM payment.

Effective October 1, 2024, all CAPI applicants and recipients living with at least one other household member who receives one or more PIM payments are living in a PAH and therefore, *do not* receive any ISM from other household members and *cannot* be subject to the reduced needs payment standard or any inside ISM. If the household receives outside ISM, then it is subject to valuation under the Presumed Maximum Value (PMV). ([Program Operations Manual System \(POMS\) SI 00835.130\(B\)](#), [POMS SI 00835.130\(C\)\(2\)](#), [POMS SI 00835.300](#); and [MPP 49-035.522\(c\)](#)). For more information regarding household development, please reference [ACL 22-12](#) and [ACL 22-12E](#).

Note: Counties must evaluate all CAPI cases at least once within the 12-month period following the October 1, 2024, effective date to determine whether recipients are owed underpayments due to the expansion of the PAH definition or due to a change in the recipient's living arrangement or household composition. Afterwards, evaluate whether a PAH exists at every 12-month redetermination or when a redetermination is necessary.

PUBLIC INCOME MAINTENANCE PAYMENTS

According to [POMS SI 01320.141](#), [POMS SI 00835.130\(C\)\(1\)](#), and SSA's [Final Rule](#), PIM payments are payments received from the following sources:

- CalFresh/CFAP (California Food Assistance Program),
- CalWORKS,
- Refugee Cash Assistance,
- Cuban and Haitian Entrant Cash Assistance,
- General Assistance/General Relief,
- SSI/SSP,
- Assistance based on need,
- Bureau of Indian Affairs payments,
- Payments from Department of Veterans Affairs programs that are based on need, and
- Disaster Assistance (due to a presidentially declared disaster).

EXAMPLES OF SPOUSE AND PARENT INCOME EXCLUSIONS

Counties must exclude any PIM payment from deemed income and any income that was counted or excluded in determining payment amount from an *ineligible* spouse or parent per SSA's Final Rule and [MPP 49-035.73](#). The term "ineligible" refers to the spouse or parent of the CAPI claimant being ineligible or not applying for CAPI or SSI/SSP ([MPP 49-005\(i\)\(1\)](#) and [MPP 49-005\(i\)\(2\)](#)). There is no deeming allocation for ineligible spouses, parents, or children who receive PIM payments. Counties should not list any PIM payments on Page 2, Line 10 of the [SOC 452](#), or on Column A, Line 1 of the [SOC 452A](#). Additional spousal/parental deeming exclusions are referenced in [MPP 49-035.73](#) and include:

- All income exclusions listed in [MPP 49-035.4](#) and [MPP 49-035.53](#),
- Income used to comply with the terms of court-ordered support,
- In-kind support and maintenance, and
- In-Home Supportive Services paid to the ineligible spouse or parent(s) providing chore, attendant, or homemaker services to the CAPI applicant or recipient.

Example 1: CalWORKS and an Ineligible Spouse

A person is applying for CAPI and their ineligible spouse receives CalWORKS in the amount of \$400 per month. On form SOC 452, Page 2, do not list the CalWORKS income on Line 10. Exclude any income that was counted or excluded in determining the ineligible spouse's CalWORKS payment.

Example 2: Needs-Based Veterans Affairs Pension Payment and an Ineligible Spouse

A person is applying for CAPI and their ineligible spouse receives a Veterans Affairs (VA) pension that is a needs-based benefit in the amount of \$1,000 per month. On form SOC 452, Page 2, do not list the pension on Line 10. Exclude any income that was counted or excluded in figuring the ineligible spouse's VA pension.

EXAMPLES OF ELIGIBLE SPOUSE NON-EXCLUDED INCOME

In contrast to excluding PIM payments when deeming from ineligible spouses, certain circumstances require we count such payments for spouses who are eligible. Spouses of CAPI applicants or recipients who receive SSI/SSP are considered *eligible* per CAPI regulation [MPP 49-005\(e\)\(3\)](#). The same is true when a CAPI recipient's spouse is applying for CAPI, that spouse is considered *eligible*. When members of a couple are both *eligible* applicants and/or recipients, counties will use Page 1 of form SOC 452 and use the CAPI couple's payment standard when performing a benefit calculation. In that calculation, counties will count the CAPI income the same as they would count the amount of SSI/SSP income an eligible spouse receives. ([POMS SI 00501.154](#); [MPP 49-035.11](#)). Below are two examples that help to illustrate this point.

Example 1: SSI/SSP and an Eligible Spouse

A person is applying for CAPI and their spouse currently receives SSI/SSP in the amount of \$1,182.94 per month. Accordingly, consider the spouse *eligible* and count their SSI/SSP income. List the spouse's SSI/SSP income on form SOC 452, Page 1, Line 5b, and use the CAPI couple's payment standard on Line 20.

Example 2: CAPI and an Eligible Spouse

A person is applying for CAPI and their spouse currently receives CAPI in the amount of \$1,182.94 per month. Accordingly, consider the spouse *eligible* and count their CAPI income. List the spouse's CAPI income on form SOC 452, page 1, Line 1d, and use the CAPI couple's payment standard on Line 20.

OMISSION OF FOOD FROM IN-KIND SUPPORT AND MAINTENANCE

Effective September 30, 2024, the SSA's [Final Rule](#) omits food from ISM calculations for SSI/SSP applicants or recipients. Federal regulations previously defined income as anything received in cash or "in-kind" that can be used to meet "food and shelter needs" ([POMS SI 00810.005](#)). Moving forward, SSA will only use shelter expenses in ISM calculations for SSI/SSP applicants and recipients. The SSA will only use questions about food to determine whether someone is living in the household of another and/or should receive a reduced payment.

Effective October 1, 2024, CAPI applicants' and recipients' *food expenses* must no longer be used in CAPI ISM calculations. Instead, counties will only use shelter expenses, as defined in [MPP 49-035.511](#). Questions regarding food will only be asked to determine whether to apply the reduced needs payment standard or ISM rules. For

more information on how to calculate ISM, pro rata share (PRS), and PMV, please reference [ACIN I-25-19](#).

REDUCED NEEDS PAYMENT STANDARD

When determining whether the reduced needs payment standard is applicable, counties should consider food and shelter received from the “person in whose household the applicant/recipient is living,” and “from others living in the household” who provide *all* the applicant’s or recipient’s food and shelter.

When counties are informed that a CAPI applicant or recipient lives in another person’s household, the county must determine whether others within the household pay for or provide *all* their food. If the applicant or recipient answers “no,” the county will only value the shelter expenses using ISM rules. If the applicant or recipient answers “yes,” the county will evaluate the applicant’s or recipient’s shelter contribution to determine whether the reduced needs payment standard applies or whether to determine the value of ISM from others in the household. For additional information regarding household development, please refer to [ACL 22-12](#) and [ACL 22-12E](#).

Example: Only Calculating Shelter Expenses

A CAPI applicant reports that they live in another person’s household. The applicant indicates on form [SOC 453](#) that they do not receive any assistance with purchasing their food from others within the household, because they use their CalFresh to purchase all their food. Accordingly, the reduced needs payment standard does not apply, and the county will only value shelter expenses when determining ISM and PRS.

Note: Counties must evaluate all CAPI cases at least once within the 12-month period following the October 1, 2024, effective date to determine whether recipients are owed underpayments due to the inclusion of food in ISM calculations or due to incorrect payment standard determinations. The recipient’s living arrangement or household composition may be affected during this 12-month period.

Reminder: Individuals or couples who live in their *own* households cannot be reduced needs. Alternatively, determine whether couples receive ISM when they:

- Live in another person's household *and* receive shelter from others living in the household, but others within the household *do not* pay for or provide all the applicant's or recipient's food; *or*
- Live in their own household, but someone helps provide them with shelter; *or*
- Live in a non-medical out-of-home care situation as defined in [MPP 49-050.243](#).

EXTENDED OVERPAYMENT RECOVERY TIME FRAME

On March 20, 2024, the SSA published a [press release](#) announcing overpayment recovery repayment plans of up to 60 months compared to the previous 36-month policy. This change is reflected in [POMS SI 02220.026\(A\)\(2\)](#).

The CDSS [ACL 00-73](#) is the published policy regarding CAPI overpayments and underpayments. However, effective immediately upon publication of this letter, SSA's overpayment recovery extension policy will apply to *new* CAPI overpayment cases. While counties must try to negotiate a recovery rate that will complete repayment within 12 months, the county *may* approve overpayment recovery up to 60 months when requested by the CAPI recipient. Counties will continue setting the standard recovery rate at 10 percent for the total amount overpaid to an individual, even when multiple overpayments exist. However, counties may approve a lower rate of withholding if the overpayment will be recovered in full within 60 months, or if the person cannot meet their ordinary and necessary living expenses if the higher rate of adjustment is applied. If the requested adjustment or recovery rate will not result in full overpayment recovery within 60 months, evaluate the CAPI recipient's ordinary and necessary living expenses to determine whether to extend the overpayment recovery period beyond 60 months. ([POMS SI 02220.026\(A\)\(2\)\(b\)](#)).

COPIES AND TRANSLATIONS

Forms referenced in this letter are available on the [CDSS Forms/Brochures webpage](#). When CDSS completes 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 [MPP 21-115.2](#). For questions on translated materials, please contact the Translation Services Section at ITS@dss.ca.gov. 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. See [ACL 22-56](#).

Per [MPP 21-115](#), the County Welfare Departments (CWDs) must ensure 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. See [ACL 22-56](#).

Additionally, the CWDs must provide auxiliary aids and services to persons with vision, hearing, or speech disabilities, 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 21-115](#) and [ACL 19-45](#).

If you have any questions or need additional guidance regarding the information in this letter, contact the CAPI inbox at: CAPI@dss.ca.gov.

Sincerely,

Original Document Signed By

LEORA FILOSENA, P.M.P
Deputy Director
Adult Programs Division