

August 7, 2025

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 25-58

This All County Letter (ACL) provides County Welfare Departments (CWDs) with policy guidance regarding the provision of reasonable accommodations for Cash Assistance Program for Immigrants (CAPI) applicants/recipients and highlights best practices to implement these policies effectively and ensure equal and meaningful access for individuals with disabilities. This ACL is part of a series on providing reasonable accommodations and is specifically tailored to the administration of CAPI.



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August 7, 2025

ALL COUNTY LETTER NO. 25-58

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

SUBJECT: **POLICY GUIDANCE FOR ENSURING EQUAL AND
MEANINGFUL ACCESS FOR INDIVIDUALS WITH DISABILITIES
IN CASH ASSISTANCE PROGRAM FOR IMMIGRANTS**

REFERENCE: [TITLE II OF THE AMERICANS WITH DISABILITIES ACT \(ADA\)
OF 1990 \(42 U.S.C. SECTION 12101, ET SEQ.\);](#)
[SECTION 504 OF THE REHABILITATION ACT OF 1973
\(29 U.S.C. SECTION 794\);](#)
[20 CODE OF FEDERAL REGULATIONS \(CFR\)](#)
[SECTION 416.905\(a\);](#)
[28 CFR PART 35; 36 CFR PART 1194;](#)
[45 CFR PART 84;](#)
[WELFARE AND INSTITUTIONS CODE \(WIC\) SECTION 10824.5;](#)
[CALIFORNIA GOVERNMENT CODE \(GOV. CODE\)](#)
[SECTION 11135 ET SEQ.;](#)
[GOV. CODE SECTION 12926;](#)
[2 CALIFORNIA CODE OF REGULATIONS \(CCR\)](#)
[SECTION 14000 ET SEQ.;](#)
[CDSS MANUAL OF POLICIES AND PROCEDURES
\(MPP\) DIVISION 21;](#)
[MPP SECTION 30-009.227; MPP DIVISION 49;](#)
[ALL COUNTY INFORMATION NOTICE \(ACIN\) I-39-24;](#)
[ALL COUNTY LETTER \(ACL\) 17-31; ACL 19-13; ACL 19-45;](#)
[ACL 21-78; ACL 24-41; ACL 24-65; ACL 24-67;](#)
[ALL COUNTY WELFARE DIRECTORS LETTER \(ACWDL\) DATED
OCTOBER 19, 2023;](#)
[DUVALL V. COUNTY OF KITSAP, 260 F.3d 1124 \(9TH CIR. 2001\)](#)

This All County Letter (ACL) provides County Welfare Departments (CWDs) with policy guidance regarding the provision of reasonable accommodations for Cash Assistance Program for Immigrants (CAPI) applicants/recipients and highlights best practices to effectively implement the policy on reasonable accommodations, ensuring equal and meaningful access for individuals with disabilities.

[Title II of the Americans with Disabilities Act](#) (ADA), [Section 504](#) of the Rehabilitation Act, and [California Government Code \(Gov. Code\) Section 11135](#) and their implementing regulations require CWDs to make reasonable accommodations to their policies, practices, and procedures whenever necessary to provide equal access to individuals with disabilities. ([28 CFR Section 35.130\(b\)\(7\)\(i\)](#); [45 CFR Part 84](#); [2 CCR Section 14000 et seq.](#)) Reasonable accommodations may be necessary to allow a qualified individual with a disability to access a program or service, comply with program requirements, participate fully in programs, services, and activities, or avoid potential sanctions for disability-related noncompliance with program rules. A reasonable accommodation may take the form of a waiver of a program rule or policy in order to help a person with a disability, or a change in the way that the CWD carries out a policy or practice affecting a person with a disability.

Scope of This Letter

This letter is part of a series of ACLs about providing equal access for individuals with disabilities. The [ACL 19-45](#), the first letter in the series, describes the reasonable accommodation framework in detail and is applicable to all CWD-administered, California Department of Social Services (CDSS)-funded programs. This ACL builds on the framework described in ACL 19-45 and is specifically tailored to the administration of CAPI. This letter also references [ACL 21-78](#), which is tailored to the administration of the CalFresh program but contains some broadly applicable information relevant to CAPI. Other letters in the series include [ACL 24-65](#), tailored to the administration of CalWORKs, and [ACL 24-67](#), tailored to the administration of Refugee Cash Assistance (RCA)/Entrant Cash Assistance (ECA) and Trafficking and Crime Victims Assistance Program (TCVAP).

The responsibilities discussed in this ACL apply to CWDs that administer the CAPI program ("administering CWDs"). The CAPI consortia member counties are responsible for addressing any reasonable accommodation needs that arise within the scope of their responsibilities, including the responsibility to receive applications.

Information in this letter may be helpful to other CDSS programs but must not be used as a substitute for program-specific guidance. This letter is not a comprehensive restatement of all CAPI program rules and requirements regarding services to individuals with disabilities and should not be relied upon as a substitute for CAPI program regulations and other guidance.

NOTE REGARDING PROCEDURAL SIMILARITIES AND DIFFERENCES

Certain program procedures in CAPI may appear to be similar to reasonable accommodation procedures required under the ADA. However, the performance of required CAPI procedures does not equate to compliance with the ADA. For example, providing assistance to CAPI applicants in establishing eligibility under [CDSS Manual of Policies and Procedures \(MPP\) Section 49-015.22](#) or in completing the Supplemental Security Income/State Supplementary Payment (SSI/SSP) application under [MPP Section 49-030.22](#) does not relieve the CWD of the obligations described in this letter around offering, documenting, and providing reasonable accommodations.

Additionally, complying with ADA Title II requirements may necessitate making changes or exceptions to CAPI program rules to fulfill reasonable accommodation requests. The CWD must therefore train staff on how to comply with both CAPI program rules and nondiscrimination laws based on disability, and what to do when requirements conflict.

Who is Protected From Disability Discrimination?

The CAPI cash aid applicants/recipients with disabilities are protected against discrimination under the above-referenced federal and state laws regardless of whether they are eligible for CAPI. Authorized representatives may also need, and are entitled to, reasonable accommodations in order to effectively represent, assist, and advocate for CAPI applicants and recipients.

The ADA and Rehabilitation Act protects individuals with a physical or mental impairment that substantially limits one or more major life activities. Under California law, the definition of disability is broader and protects individuals who have a condition that limits one or more major life activities. ([Gov. Code Section 11135](#) and Gov. Code [Sections 12926\(j\) and 12926\(m\)](#); [2 CCR Section 14020\(p\)](#); see also Section III of [ACL 19-45](#).)

The definition of disability under the ADA, the Rehabilitation Act, and California law are not the same as the definition of disability under CAPI. The CAPI regulation at [MPP Section 49-025.31](#) incorporates the SSI/SSP program definition of an adult with disabilities stated in [20 CFR Section 416.905\(a\)](#) and uses it to determine whether an individual is eligible for CAPI. Under MPP Section 49-025.31, an adult is considered disabled if they are unable to be employed due to a medically determinable physical or mental impairment. This impairment must be “severe,” and it must be expected to last for at least 12 continuous months.

Individuals who meet the definition of disability under the ADA, the Rehabilitation Act, and California law are protected from disability discrimination whether or not they meet the [MPP Section 49-025.31](#) definition of disability. A CAPI applicant/recipient might need accommodations for disabilities other than or in addition to the disability that qualifies them for CAPI. It should also be noted that the right to reasonable accommodation under the ADA or Rehabilitation Act is not contingent upon qualifying for CAPI or other disability-based benefits or services.

Because CAPI is designed in large part to serve individuals with disabilities, the program should anticipate significant ADA accommodation needs among the client population. At the same time, although many CAPI applicants/recipients may be entitled to the rights and protections of the ADA, these individuals may not be familiar with that law and the rights it confers. This underscores the importance of informing this client population about their rights under the ADA.

Notice to Individuals Who May Request a Reasonable Accommodation

The CWD must notify all CAPI applicants/recipients and other interested parties (such as community groups) of the following: the right to request reasonable accommodations; the existence and location of services, activities, and facilities available to persons with disabilities; information about the disability discrimination complaint procedure; and that the CWD does not discriminate on the basis of disability. ([45 CFR Section 84.8](#); see also [MPP Section 21-107.24](#).) Notice of this information may be given verbally in face-to-face interviews or group presentations, in written communications, or in published materials such as posted notices and outreach materials. ([MPP Section 21-107.25](#).) Notice should always be given in plain language. The following are specific ways a CWD must notify CAPI applicants/recipients of their rights and the CWD's policy on nondiscrimination:

1. Posters: Posters on nondiscrimination, including CDSS Publication 86 "Discrimination Is Against the Law" ([PUB 86](#)), must be prominently displayed in all CWD waiting rooms and reception areas. The PUB 86 must include the name, telephone number, and address of the CWD representative who processes discrimination complaints. ([MPP Section 21-107.211](#).)
2. PUB 13: The CWD must make CDSS Publication 13 "Your Rights Under California Public Benefits Programs" ([PUB 13](#)) available in all CWD waiting rooms and reception areas. The PUB 13 must also be distributed and verbally explained to applicants in their primary language at the time of initial application and to recipients at recertification. ([MPP Section 21-107.221](#).) The requirement to explain the PUB 13 applies whether serving the applicant/recipient in person or over the phone. Distribution and explanation must be documented in CalSAWS. ([MPP Section 21-116.1](#).)

The PUB 13 must also be available in alternate formats to be accessible to individuals with disabilities, which may include providing the PUB 13 in large print, braille, accessible electronic format for use with a screen reader, or via audio recording. ([MPP Section 21-107.221](#); see also the section of this letter titled "Auxiliary Aids and Services" below for more information.) The CWD must provide these pamphlets and their alternate formats upon request at each location open to the public and to clients accessing services remotely.

3. Notice: The CWD must disseminate information to CAPI applicants/recipients sufficient to inform them of their rights under Section 504 of the Rehabilitation

Act, which prohibits discrimination on the basis of disability in the CWD's programs and activities. ([45 CFR Section 84.8](#))

The [All County Welfare Directors Letter \(ACWDL\) dated October 19, 2023](#), reminded CWDs that they must have accurate and clear information on their websites about programs serving noncitizens, including CAPI. This applies to CWDs that administer CAPI directly and those that participate as members of a consortium. The CDSS recommends that CAPI webpages explain in plain language both the definition of "reasonable accommodation" and the process for how to request an accommodation. (See Section II of [ACL 21-78](#) for illustrative language for CWD websites.) It is also recommended that websites provide a link to the PUB 13 in all languages translated by CDSS.

The CWD must consider the needs of individuals who have visual, hearing, motor, and cognitive disabilities when designing and maintaining their websites. This includes webpages related to CAPI. ([28 CFR Section 35.160\(a\)\(1\)](#); [36 CFR Part 1194](#); see also [ADA Web Guidance](#).) Note that although 36 CFR Part 1194 requires website compliance with Web Content Accessibility Guidelines (WCAG) 2.0, these guidelines have been updated with the publication of [WCAG 2.1](#).

The population served by CAPI consists of non-U.S. citizens who are 65 or older, blind, and/or disabled, and who must navigate the CAPI eligibility determination process within a short (30-day) time frame. It is therefore critically important that CWDs notify CAPI applicants/recipients of their right to request a reasonable accommodation to assist with that (or any other CWD-related) process if needed. As explained further under "CAPI-Specific Issues" below, reasonable accommodations may include an extension to the 30-day time frame if needed due to a disability.

Identification of Disabilities

When a disability is known or obvious, the CWD has an affirmative obligation to determine whether a CAPI applicant/recipient needs additional assistance due to a disability and, if applicable, to provide a disability-specific accommodation. (See [Duvall v. County of Kitsap, 260 F.3d 1124, 1139 \(9th Cir. 2001\)](#); see also Item 2 of Section IV of [ACL 19-45](#).)

The following is a non-exhaustive list of scenarios in which a disability is known or obvious:

- The individual affirms on an application, redetermination, or other form that they have a disability or need assistance to apply. The CAPI forms elicit information about potential disabilities in numerous ways, and this information triggers the CWD's obligation to determine whether an accommodation is needed.
- The individual uses a mobility device or is assisted by a service animal.
- The individual requests an auxiliary aid or service, such as large print or ASL interpretation.

- The individual's case history from CAPI and/or other programs indicates a disability.
- The individual verbally states they have a disability.
- The individual indicates they have trouble with a major life activity, even if they don't use the word "disability." (Example: "I have trouble remembering things people tell me," or "I have trouble moving around.")
- The CWD receives medical verification or health records reflecting a disability.
- The Disability Determination Service Division (DDSD) determines that the individual has a disability.
- An email message or other note from a sending CWD for an Inter-County Transfer (ICT) or from a CAPI consortium member CWD to the consortium lead CWD affirms an applicant's/recipient's disability and/or a reasonable accommodation need.

As noted above, because disability is a qualifying factor for CAPI, CWDs can expect a high percentage of applicants/recipients to present with disabilities. However, there are many factors which may contribute to under-identification of their related reasonable accommodation needs. For example:

- Remote application processing and service delivery leads to fewer face-to-face interactions and opportunities for workers to observe visible indicators of disability.
- Certain disabilities, such as some mental disabilities, are referred to as "invisible" disabilities because they are not immediately apparent and may therefore go unrecognized and unaddressed.
- The CAPI applicants/recipients may be unfamiliar with the ADA and the protections to which they're entitled.
- The CAPI applicants/recipients may speak a primary language in which the term "disability" has different connotations than it does in English.

Even CAPI applicants/recipients whose CAPI-qualifying disabilities are identified may have additional ADA-qualifying disabilities and related reasonable accommodation needs that remain unrecognized and unaddressed.

Offering Reasonable Accommodations

Consistent with the above-stated obligation to identify and respond to known or obvious disability-related accommodation needs, administering CWDs must offer reasonable accommodation to every CAPI applicant whose application materials (including but not limited to the Statement of Facts ([SOC 814](#))) indicate a disability, a health problem or a disability-related need for assistance. Such indicators may appear in age-based CAPI application materials as well as those that are disability-based. In cases for which an eligibility interview is conducted (whether in person, by telephone, or virtually), the CWD should offer reasonable accommodation during that interview (and in pre-interview

communication when needed). In cases for which no eligibility interview is conducted, the CWD must attempt to contact the applicant to make this offer, using a means of communication that is reasonable given the individual's disability. The CDSS strongly recommends that the CWD attempt to contact an applicant at least twice (if unsuccessful on the first attempt) and use all available methods of contact for that individual. Contact attempts must be documented, as explained further below.

In addition, administering CWDs must offer reasonable accommodation at redetermination to every CAPI recipient whose Statement of Facts for Determining Continuing Eligibility ([SOC 804](#)) and/or other case records indicate a disability, a mental or physical health problem, receipt of assistance from another disability-qualifying program, and/or a disability-related need for assistance. As with the application process, when the redetermination process is handled remotely, the CWD must attempt to contact the recipient to make this offer, following the guidance above.

Because an individual's disability may negatively affect their ability to complete the eligibility and/or redetermination process, CWDs should attempt to make contact with applicants/recipients as soon as possible and without undue delay.

The CDSS strongly recommends that CWDs provide staff with training and opportunities to practice this process as well as job aids including a script such as the following to use when offering reasonable accommodation:

To an applicant:

"You shared [*insert information*] with us about your [*insert specific disability/health problem*] on your application. Do you need any extra help or extra time because of your condition to apply for benefits, or follow our rules, or do anything else we have asked you to do? For example, we can help with things like getting documents or reading forms aloud."¹

To a recipient who indicates a disability- or health-related need for assistance for the first time on the SOC 804:

"You shared [*insert information*] with us about your [*insert specific disability/health problem*] as part of your redetermination. Do you need any extra help or extra time to do anything we have asked you to do because of that condition, or because of any other condition?"

To a recipient who has an existing reasonable accommodation request on file but who does not indicate a need for assistance on the SOC 804:

1. "Our records say that you need [*insert information*] assistance from us. Do you still need that assistance?"

¹ The CWDs are also reminded of the option to use electronic (including telephonic) signatures with all applicants/recipients, not just those with disabilities. See [ACL 24-41](#).

2. “Do you need any new help or extra time to do anything we have asked you to do?”

To a recipient who has an existing reasonable accommodation request on file and who also expresses a new need for assistance on the SOC 804:

1. “Our records say that you need *[insert information]* assistance from us. Do you still need that assistance?”
2. “You also shared *[insert information]* with us about your *[insert specific disability/health problem]* as part of your redetermination. Do you need any extra help or extra time to do anything we have asked you to do because of that condition, or because of any other condition?”
3. “Do you need any new help or extra time to do anything we have asked you to do?”

Guidance for how to document this information in the case record is provided below in the section of this letter titled “Documenting Disclosures of Disability-Related Needs and Reasonable Accommodation Requests.”

As noted, once an applicant’s/recipient’s disability is known or obvious, the CWD must determine whether the person has a disability-related accommodation need and, if applicable, provide the needed accommodation, whether or not the applicant/recipient has explicitly stated a request for an accommodation. The obligation to offer reasonable accommodation when a disability is known or obvious is not limited to offers made at application and redetermination. It begins at first contact and continues throughout the individual’s participation in CAPI. In addition, there is no limit on the number of accommodations an applicant/recipient may request. For example, a person who requests and is granted a reasonable accommodation of additional time to file for social security can request it again if needed due to their disability. Note also that if a particular reasonable accommodation does not appear to be effective, the CWD should assist the individual in considering alternatives that might better meet their needs.

The CWDs are also encouraged to train staff to assist applicants/recipients with suspected disabilities in self-identifying their disabilities and accommodation needs. (See Item 2 of Section IV of [ACL 19-45](#).) Any difficulty a person has in meeting CAPI program requirements or complying with reporting requirements could indicate the presence of a disability affecting their ability to comply. If an individual shows signs of such difficulty and a disability or accommodation is already documented in the case file, the CWD must ensure that the identified accommodation is being provided. If an agreed-upon accommodation is already being provided, the CWD should explore with the applicant/recipient whether they need additional and/or different accommodations. If the individual having difficulty does not have a disability-related accommodation on record, the CWD should again ask the person whether they would like to request an accommodation. Offering and providing assistance are not limited to the application and redetermination processes and should occur whenever a possible need is detected.

The CWD should use plain language when offering and discussing accommodations with applicants/recipients, as exemplified by the sample questions above. For further tips on communicating respectfully when offering assistance or reasonable accommodations, see Section IV of [ACL 21-78](#). For examples, see “Scenarios for Providing Reasonable Accommodations” in the Attachment to this letter.

Requests for Reasonable Accommodations

The CAPI applicants/recipients may make requests for reasonable accommodations at any time during their interaction with the CWD. The fact that a CWD offers reasonable accommodations during the application and redetermination process does not affect the applicant’s/recipient’s right to make such requests at any point. Reasonable accommodation requests may be made in person, by telephone, or in writing by the applicant/recipient or another individual acting on their behalf, such as an authorized representative. Applicants/recipients may also request to modify or remove their requested accommodation at any time. No special forms or procedures are required of the applicant/recipient for accommodation requests. **The CWDs may make a reasonable accommodation request form available, but they must not require applicants/recipients to use a specific form to request an accommodation.** (See Section IV of [ACL 19-45](#).)

An individual’s need for a reasonable accommodation may arise at various points during program participation, including but not limited to (1) the application and redetermination process; (2) procedures related to notifying applicants/recipients of their rights; (3) the appeal process; (4) reporting mid-period changes; and (5) welfare fraud investigations.

There are no specific words or phrases an applicant/recipient must use to express a reasonable accommodation request. The individual does not have to use the words “disability” or “reasonable accommodation.” The CWD staff should listen closely to applicants/recipients for reasonable accommodation requests that may use descriptive or indirect language. Any request for extra assistance or for a modification to a rule or policy could be a reasonable accommodation request. If the individual does not refer to a disability when asking for help or for a modification to a rule or policy, the CWD should ask the applicant/recipient whether they are making the request because of a disability, condition, or impairment and what type of help is needed. For example, an applicant may ask, “Do I have to stand in line when I visit the office for my appointment?” That individual may have a physical disability and feel concerned about experiencing discomfort caused by standing for too long. Staff should ask the applicant whether standing in line is difficult for them due to a disability, condition, or impairment, and, if so, discuss what accommodation(s) the CWD can provide at reception to help with this.

The CWDs may also encounter situations where the individual with a disability is not the program participant but someone associated with the participant with whom the CWD worker interacts and communicates, such as a family member, friend, or authorized representative. **These individuals are also entitled to reasonable accommodations provided by the CWD.** For example, an applicant may request to conduct an eligibility

interview in the afternoon because their authorized representative has medical appointments in the morning. ([28 CFR Section 35.160](#); Section VI of [ACL 19-45](#).)

If an accommodation is not immediately agreed upon between the CWD and the applicant/recipient, the CWD must initiate a discussion to further clarify the individual's needs and ways to meet them (the "interactive process"). ([2 CCR Section 14327](#); see also Item 6 of Section IV of [ACL 19-45](#).) All reasonable accommodation requests must be considered as described in ACL 19-45 and this letter, and they must be granted as requested or as agreed upon via the interactive process unless permissible grounds exist for denial. (2 CCR Section 14327; see also Section IV of ACL 19-45.) It is important to note that complying with ADA Title II requirements may necessitate making changes or exceptions to CAPI program rules to fulfill reasonable accommodation requests. See "CAPI-Specific Issues" and "Scenarios for Providing Reasonable Accommodations" below for additional information and examples.

NOTE REGARDING VERIFICATION

While the CWD is responsible for collecting disability verifications for purposes of CAPI eligibility, verifications are **not** required under the ADA to receive reasonable accommodations. In fact, the ADA does not require that an individual have a medical diagnosis of a specific disability or medical condition to be entitled to a reasonable accommodation. Likewise, an applicant/recipient does not need to disclose a specific diagnosis or condition to request and receive an accommodation under the ADA, and the CWD must not ask for such information as a prerequisite for considering a reasonable accommodation request. An applicant/recipient only needs to disclose a disability-related need for the accommodation they request.

A CWD staff member must not challenge the legitimacy of the disability or question the applicant's/recipient's need for accommodation. A CWD staff member may, however, ask the applicant/recipient to clarify the type of help they need or the link (or nexus) between the disability-related need and the requested accommodation. For example, the CWD may ask the individual to explain the nature of their disability-related limitation ("What activities are difficult for you?") or how the requested accommodation will facilitate their participation ("Please explain how the accommodation will help you.").

Reasonable Accommodation Denials

As explained in [ACL 19-45](#), a CWD may only deny a reasonable accommodation request when the requested accommodation would either fundamentally alter the nature of the program, service, or activity or impose an undue financial or administrative burden on the program as a whole. ([28 CFR Section 35.150](#); [45 CFR Section 84.81](#); see also Section IV of ACL 19-45 for further information about denying a reasonable accommodation request.) The determination to deny a request based on these grounds must be made by the CWD Director or their designee. The fact that a requested accommodation is outside usual program rules is not in itself sufficient basis to deny the request.

Documenting Disclosures of Disability-Related Needs and Reasonable Accommodation Requests

The CWD must document all disclosures of disability-related needs, requests for reasonable accommodations, and subsequent actions taken by the CWD in the applicant's/recipient's case file. ([WIC Section 10824.5](#); see also Item 4 of Section IV of [ACL 19-45](#).) This information must be immediately visible to staff upon opening the individual's CalSAWS case record, which helps ensure continuity of services throughout the life of the case. ([WIC Section 10824.5\(c\)](#))

All CWDs must use the CalSAWS Special Circumstances Detail (SCD) page to document that a CAPI applicant/recipient has a disability, the accommodation requested of, and provided by, the CWD, and any information needed by staff to fulfill the accommodation. ([WIC Section 10824.5](#); [ACL 19-13](#).) Entries in the "Notes" field can provide necessary details without being lengthy. (For example: *[Date]: Recipient requests help completing forms by phone due to visual impairment. Request granted: Worker will provide help by phone with all forms, including calendaring calls ahead of deadlines.*) Using the SCD page for this purpose creates an accompanying icon that is visible on multiple CalSAWS case record pages, which is consistent with the legal requirement that this information be immediately visible to CWD staff. This icon serves as a visual cue to staff to check the individual's reasonable accommodation needs *before each contact*, so that the person does not have to repeat their accommodation request over and over. Because the SCD page is person-specific, its information and icon remain visible and available to staff across the various CalSAWS-using eligibility programs in which the person may be enrolled. In addition, documenting reasonable accommodation information on the SCD page helps ensure that it remains distinguishable from disability-related information documented by staff for CAPI eligibility purposes. This reinforces staff understanding and effective implementation of required reasonable accommodation procedures under the ADA.

Any administering CWD that has been using other CalSAWS locations (such as the Flag Detail page) to document the above information in its CAPI cases must manually migrate all *existing, active* reasonable accommodation information from its current location to the SCD page for those cases within **18 months** from release of this guidance. The CWDs are encouraged to accomplish this process by transferring existing documentation from its current location to the SCD page at the next client contact that occurs within one year from release of this guidance.

In addition to the SCD page documentation, administering CWDs must use the CalSAWS case journal to document the accommodation offered and provided to (or declined by) the applicant/recipient at *each instance in which the accommodation may be needed*.

Further guidance about documenting this information in CalSAWS will be forthcoming in a separate ACL.

Note for CAPI consortium member CWDs: When a consortium member CWD transmits an application to a lead county, they must also provide any information they are aware of about the applicant's reasonable accommodation needs. For example, if the CAPI applicant is a current or former recipient of other non-CAPI programs administered by the consortium member CWD, the CAPI applicant's case record may contain information about their disability-related accommodation(s). The consortium member CWD must check the applicant's existing case records and notify the consortium lead county in writing of any reasonable accommodation information when they send in that individual's CAPI application. This includes information recorded in CalSAWS Flag Detail pages, which will not be visible to the consortium lead CWD.

Note for sending CWDs in CAPI Inter-County transfers (ICTs): Because CAPI ICTs are processed manually, each sending CWD must ensure that the transmittal of case information to the receiving CWD includes information about any disability-related accommodations requested by the applicant/recipient. This includes information recorded on CalSAWS Flag Detail pages, which will not be visible to the receiving CWD.

CAPI-Specific Issues

30-DAY TIME FRAME FOR APPLICATION PROCESSING

In the CAPI program, CWDs generally have 30 days from the date of application to make an approval or denial decision. ([MPP Section 30-009.227](#); see also [ACL 17-31](#).) During that period, CWDs require applicants to take various steps such as collecting and submitting specific verification records needed to make an eligibility determination. Under the ADA, extending that 30-day time frame (or other program deadlines) is an appropriate reasonable accommodation to consider for an individual who has a disability-related need for additional time to fulfill the required steps. Because each reasonable accommodation request must be analyzed on an individualized basis, the length of any extension granted will depend on the specifics in a given case. And as noted above, if the CWD and the applicant/recipient don't immediately agree upon a particular accommodation, the CWD must engage in an interactive process with that individual to determine an effective accommodation.

Some CAPI applicants might explicitly state a need for an extension as a reasonable accommodation, while others who have that need might not initially identify or express it as clearly due to language access or cultural barriers or for other reasons. As previously explained, CWDs are obligated to offer a reasonable accommodation if a person's disability is known or obvious. Note that an *offer* is not necessarily a specific, declarative statement (e.g., "We can provide you with [x]."). In some cases, it may be an offer to *assist the applicant/recipient to identify* what type of disability-related assistance they need, starting with an inquiry such as those in the sample scripts above. If an applicant expresses a disability-related need for an extension to the 30-day application processing time frame, whether communicated as an affirmative request or in some other way such as in response to a worker's question, the CWD must treat this as a

reasonable accommodation request and respond accordingly, as described above under “Requests for Reasonable Accommodation.”

Moreover, even if a CWD offers and provides a non-extension-related reasonable accommodation to an applicant, the applicant may not realize until later that they also have a disability-related need for a deadline extension, and they may not be aware they can still request this as a reasonable accommodation. The CWDs are therefore strongly encouraged to reach out to applicants who are close to missing the 30-day deadline to ask if they are having trouble completing any part of the eligibility process in time due to a disability and if so, offer an extension (and any other appropriate assistance) as a reasonable accommodation. (See the section above titled “Offering Reasonable Accommodations” for guidance on responding when a person’s disability is suspected but not known; see also Section IV of [ACL 21-78](#) for suggestions on communicating respectfully when initiating this inquiry.)

Additionally, granting a deadline extension may sometimes be necessary as an ancillary accommodation. For example, in some cases, it may take several days for the CWD and the applicant/recipient to engage in the interactive process needed to determine and agree upon a separate reasonable accommodation that is unrelated to deadline extensions. However, to ensure that the interactive process does not adversely affect the applicant/recipient by reducing their available time to meet a program deadline, the CWD should affirmatively offer a deadline extension in such circumstances. The CWDs are reminded to document information about each individual’s disability-related needs and reasonable accommodation(s) in the CalSAWS SCD page and case journal, as explained above.

APPOINTMENT OF AUTHORIZED REPRESENTATIVES

As noted throughout this letter, CAPI applicants/recipients may face significant challenges in meeting application deadlines and fulfilling other program requirements. The CWDs are therefore strongly encouraged to explicitly inform them of their right to appoint an authorized representative who can assist them in navigating case requirements. However, the appointment of an authorized representative does not relieve the CWD of their obligation to provide reasonable accommodations to the applicant/recipient if needed. In addition, CWDs are reminded that authorized representatives are also entitled to disability-related reasonable accommodations they need to be able to assist and advocate for applicants/recipients.

DETERMINING SUPPLEMENTAL SECURITY INCOME/STATE SUPPLEMENTARY PAYMENT PROGRAM ELIGIBILITY

The CAPI regulations require CWDs to assist CAPI applicants/recipients who meet the definition of “Qualified Alien” under [MPP Section 49-005\(q\)\(1\)](#) in their efforts to apply for Supplemental Security Income/State Supplementary Payment (SSI/SSP). For example, pursuant to [MPP Section 49-030.22](#), CWDs must complete the SSI/SSP application with the Social Security Administration (SSA) or otherwise initiate the SSI/SSP application process on behalf of applicants who cannot present certain specified

evidence of SSI/SSP ineligibility or verification that a filed application is pending final determination. Under [MPP Section 49-045.2](#), CWDs must determine whether county advocacy activities would benefit an applicant's/recipient's efforts to become eligible for SSI/SSP and provide those activities if so. These include, but are not limited to, assisting with the completion of SSI/SSP appeal forms, assisting with the collection of medical or psychological records related to an SSI/SSP appeal, and submitting completed forms to SSA and the State Disability Determination office.

This programmatic assistance is distinct from the provision of reasonable accommodations under the ADA, and providing such assistance does not relieve the CWD of its obligation to address an individual's disability-related needs under the ADA. A CAPI applicant/recipient may have a disability-related need for a type of assistance with the SSI/SSP eligibility process that is not expressly enumerated as an allowable activity under [MPP Section 49-030.22](#) or [MPP Section 49-045.21](#). If so, the CWD must treat that as a reasonable accommodation request and respond accordingly.

The CAPI applicants/recipients who fail to file for SSI/SSP within 30 days of receiving a county referral to do so are not eligible, or do not remain eligible, for CAPI unless the CWD determines that a good reason exists for that failure. ([MPP Section 49-045.15](#).) (The same is true for CAPI applicants/recipients who fail to file for other benefits within 30 days of receiving a CWD referral to do so. ([MPP Section 49-045.34](#).) Disability is one factor CWDs should consider when determining whether a good reason exists for such a failure. CWDs are strongly encouraged to reach out to individuals before an approaching SSI/SSP filing deadline to ask if they are having trouble filing due to a disability and to offer reasonable accommodation if so. ([MPP Section 49-045.34](#).) If an individual misses the deadline but has a known or suspected disability or accommodation need that may have caused the failure to file, CWDs should not deny, suspend, or terminate benefits without first attempting to contact the individual to offer reasonable accommodation according to the guidelines in the section above titled "Offering Reasonable Accommodations." As noted earlier, when a disability is known or obvious, the CWD has an affirmative obligation to determine whether a CAPI applicant/recipient needs a disability-related accommodation and respond accordingly if so. If a disability is suspected but not known, the CWD is also encouraged to assist the applicant/recipient in self-identifying any potential disability and/or disability-related accommodation they need.

REFERRALS TO DISABILITY DETERMINATION SERVICE DIVISION

When making referrals to the Disability Determination Service Division (DDSD), CWDs must use the referral form [MC 221](#) to transmit any information they have about an individual's need for reasonable accommodations and/or auxiliary aids and services to ensure continuity of services. The MC 221 does not have a field or section specifically designated to record that information, but DDSD has advised that CWDs use section 10 of the form for this purpose.

Training to Ensure Equal and Meaningful Access for Individuals with Disabilities

The CWDs are required to provide civil rights training to public contact staff, including but not limited to eligibility workers, employment specialists, domestic abuse service providers, supervisors, program managers, receptionists, clerical/triage staff, appeals specialists, and civil rights staff. ([MPP Section 21-117.1.](#)) The CDSS encourages all CWDs to provide civil rights training annually; at a minimum, it should occur every other year.

The CWDs are also required to train public contact staff, program managers, and supervisors upon hire and, at a minimum, annually thereafter, on providing services including reasonable accommodations to individuals with disabilities. (See Section I of [ACL 19-45.](#)) In programs with high turnover of frontline staff, CWDs are encouraged to increase the frequency of training and provide frequent reinforcements.

The training on reasonable accommodation must include the information presented in this ACL and [ACL 19-45.](#) Specifically, the CWD must train eligibility workers, program managers, and supervisors on how to notify CAPI applicants/recipients of their right to reasonable accommodations. Public contact staff, especially intake workers, must be trained in how to identify whether an applicant/recipient has or may have a disability and how to offer and respond to a request for a disability-specific accommodation. Public contact staff must also be trained in how to document information related to reasonable accommodations. Public contact staff must be familiar with where and how reasonable accommodation needs are noted within a case file, so that they can quickly check and provide the accommodation whenever communicating with or serving an applicant/recipient. It is recommended that during training, all CWD staff members practice giving verbal notice of the right to reasonable accommodation as well as offering reasonable accommodations in a range of scenarios.

The obligation to train public contact staff on civil rights and reasonable accommodation applies to the CWD and its contractors and vendors that provide program benefits and services directly to applicants/recipients. ([MPP Section 21-103.4;](#) [ACL 19-45.](#)) The CWDs are encouraged to seek out staff training opportunities related to serving CAPI applicants/recipients, such as working across language and cultural barriers.

The CWDs are also strongly encouraged to create “quick reference tools” for CAPI program staff with reminders about actions they need to take to accommodate applicants/recipients with disabilities and information about whom to contact in their office with questions about reasonable accommodations. Such job aids can enable staff to take swift, appropriate action on reasonable accommodation requests and avoid delays in the timely processing of CAPI applications and redeterminations.

Auxiliary Aids and Services

Pursuant to the ADA and Rehabilitation Act, CWDs must ensure effective communication with individuals who have vision, hearing, or speech disabilities. This obligation extends to program applicants, recipients, members of the public, and

companions, where *companion* means a family member, friend, or associate of the applicant/recipient who, with the applicant/recipient, is an appropriate person with whom the CWD should communicate. ([28 CFR Section 35.160\(a\)](#); [45 CFR Section 84.77](#).)

Auxiliary aids and services are devices and services that enable effective communication. The CWD is required to provide auxiliary aids and services to individuals with disabilities when necessary to ensure effective communication. ([28 CFR Section 35.160\(b\)\(1\)](#); [45 CFR Section 84.52\(b\)](#); [MPP Section 21-115.41](#); see also Section V of [ACL 19-45](#).) The CWD must give primary consideration to the type of auxiliary aid or service requested. ([28 CFR Section 35.160\(b\)\(2\)](#); see also [45 CFR Section 84.77\(b\)\(2\)](#).) The CWD must also ensure they can provide effective communication through all methods of service delivery (e.g., phone, digital services, in-person) and that staff understand and can access these auxiliary aids and services to provide them to applicants/recipients. See [All County Information Notice \(ACIN\) I-39-24](#) for more information about serving Deaf and hard of hearing individuals.

Language Access and Reasonable Accommodation

Given the population it serves, the CAPI program has many applicants/recipients with limited English proficiency (LEP) who may require language assistance as well as disability assistance to effectively participate in CAPI. The CAPI applicants/recipients also come from diverse cultural backgrounds. Due to cultural norms, applicants/recipients may be reluctant to disclose disabilities and/or their need for accommodation. The CWDs must ensure that language and cultural barriers do not interfere with identifying disabilities and providing accommodations.

The CWDs must be prepared to identify the need for, and offer, accommodation to all applicants/recipients, regardless of language. ([MPP Section 21-115](#).) The CWDs may provide bilingual services via qualified bilingual staff and/or contracted interpreters. ([MPP Section 21-115.1](#) and [Section 21-115.15](#).) Qualified bilingual staff must be certified and must have “the language skills and cultural awareness necessary to communicate fully and effectively and provide the same level of service to non-English speaking applicants/recipients as is provided to the client population at large.” (MPP Section 21-115.1.) “Language skills” include awareness of medical and disability-related terms (or their equivalents if there is no direct translation). “Cultural awareness” includes familiarity with attitudes, beliefs, and behaviors around disability within various language/cultural groups, including awareness of disability stigmas and barriers. Bilingual staff should utilize this awareness to educate applicants/recipients about their rights, assist with self-identification of disabilities, and discuss accommodations in a culturally competent way. Adequate time must be allocated for interpretation, especially when slow or repeated speech is requested as an accommodation.

When speaking to applicants/recipients with LEP, CWD staff should consider using descriptive language in addition to and/or instead of using the terms “disabled” or “disability.” Those terms may have narrower connotations in the target language or be easily misconstrued (e.g., “disability” may only refer to physical disabilities in some languages). Staff should also expect that reasonable accommodation requests may be

formulated using descriptive or indirect language. A participant whose language lacks a translation for “reasonable accommodation” may say, “The worker speaks too quickly and will not slow down” to mean, “I need more time to process information, and I need the worker to slow down as an accommodation.”

Applicants/recipients with LEP may be unaware that they can request accommodations and bilingual services simultaneously. For instance, an individual with LEP with low vision may need large-print brochures in their primary language, or an individual with LEP who has memory challenges may need telephonic interpreters to speak slowly so that the individual can take notes.

Written Policies on Disability Discrimination

[ACL 19-45](#) requires CWDs to adopt written policies detailing how they will comply with the requirements set forth in that letter. The CWDs must update their program’s and/or department’s written policies as needed to comply with the requirements in this letter.

Copies and Translations

The CDSS 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 Section 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 with the [GEN 1365-Notice of Language Services](#) and a local contact number. See [ACL 22-56](#).

Per [MPP Section 21-115](#), the CWD 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 Section 21-115](#) and [ACL 19-45](#).

If you have any questions or need additional guidance regarding the information in this letter, contact the Civil Rights Section at crb@dss.ca.gov. If you have any questions regarding CAPI program regulations, contact the Benefit Programs Unit at CAPI@dss.ca.gov.

Sincerely,

Original Document Signed By

KATHY YANG
Deputy Director
Office of Equity Division

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

Attachment

Attachment

FREQUENTLY ASKED QUESTIONS ABOUT REASONABLE ACCOMMODATION REQUESTS:

1. **Who has the right to a reasonable accommodation?** All “qualified individuals with a disability” have the right to reasonable accommodation. (See [ACL 19-45](#), Section III.) The definition of “disability” under the ADA and California law is much broader than the definition found in certain program regulations and is not limited to those who qualify for and/or receive federal, state, or private disability benefits. Some individuals who apply for CAPI based on age rather than disability may also meet the definition of “qualified individual with a disability” under the ADA.
2. **Do applicants have the right to reasonable accommodation before program eligibility is determined?** Yes.
3. **Do special words or phrases need to be used to request a reasonable accommodation?** No.
4. **Can we require applicants/recipients to complete a reasonable accommodation request form?** No. The CWD may make a reasonable accommodation request form available to applicants/recipients but may not require applicants/recipients to use or sign the form in order to request an accommodation. The CWDs must accept reasonable accommodation requests communicated in other ways, including verbally.
5. **When can a reasonable accommodation request be made?** Requests for reasonable accommodations may be made at any time, including but not limited to: during the application process, during the redetermination period, after a denial of or approval for benefits, at termination of benefits, or when addressing a fraud referral. Individuals do not forfeit the right to reasonable accommodation because they did not fill out a specific reasonable accommodation form or request it during application or redetermination. Even if the applicant/recipient stated that they do not need reasonable accommodation on the application or an appeal form, they may request it later without prejudice.
6. **How many reasonable accommodation requests are allowed?** There is no limit to the number of reasonable accommodation requests a person may make, and requests may change over time. Each request must be afforded individualized analysis under the law.
7. **What is the timeline for responding to a reasonable accommodation request?** Although the ADA does not state a specified time period for responding to a request for accommodation, the response should be made as soon as possible so the applicant's/ recipient's application or benefits are not adversely affected.

8. **Can a program rule or requirement be changed or waived as a reasonable accommodation?** Yes. All program rules and requirements are subject to reasonable accommodation requests. Each such request from a qualified individual with a disability must be considered under ADA Title II requirements and may only be denied on limited specified grounds. See Section IV of [ACL 19-45](#).
9. **Does a reasonable accommodation need to be provided in every interaction?** If an individual has requested a reasonable accommodation for a disability-related need, or the need for accommodation is obvious, the accommodation must be provided in all interactions where that need would arise. The CWD must not require the individual to repeatedly request an accommodation in every interaction. For example, if the individual's disability keeps them from being able to read and understand written notices, and an accommodation is granted for staff to read notices aloud to them, this accommodation should be provided with all notices.
10. **Can the CWD require supervisor approval for all reasonable accommodation requests?** The CWD is strongly discouraged from requiring supervisor approval for accommodation requests as a general business practice. Doing so may create a bottleneck and undue delay in the provision of accommodations. Processing of reasonable accommodation requests should be routine, and all public contact staff must be trained to handle the routine steps of offering, providing, and documenting reasonable accommodations. Supervisor involvement may be appropriate for more complex or unique accommodation requests.
11. **What is the process for an applicant/recipient to appeal a CWD's decision to deny a reasonable accommodation request?** There is no appeal process for reasonable accommodation denials. If an individual believes they were wrongfully denied, they may file a disability discrimination complaint with the county employee responsible for handling the disability discrimination complaint process.
12. **Can a request be denied because it is too burdensome for a single employee (such as the case worker)?** No. The CWD must consider all resources available to the program. For example, an employee may receive a request to read all notices aloud to a participant with low vision. This request cannot be denied on the grounds that it would be too burdensome for the individual employee. A CWD must consider all program resources, which in this case could mean shifting some of the employee's tasks to another employee or assigning a specific employee to read the notices.

SCENARIOS FOR PROVIDING REASONABLE ACCOMMODATIONS

1. A CAPI recipient with a Traumatic Brain Injury has trouble with memory and multi-step instructions. Since their initial SSI/SSP application was denied, the CWD is assisting with the appeal process by scheduling medical appointments for the applicant as an advocacy activity, as required by [MPP Section 49-045.214](#). In addition, the CWD could offer to call the person to remind them of their upcoming appointments as a reasonable accommodation. To ensure the accommodation is

continuous, the CWD may need to establish a system for calendaring tasks to call the recipient with reminders. This information must be documented as instructed in this letter.

2. A CAPI applicant with PTSD experiences anxiety in crowded rooms. As a reasonable accommodation, the CWD could offer phone or video appointments or in-person meetings in alternative, less crowded locations, documenting this information as instructed in this letter.
3. An Eligibility Worker sees a discrepancy between a signed SOC 814, which reflects no income, and other application records showing income. The worker notes the applicant did not answer the SOC 814 question about whether they need help applying for CAPI due to a disability. However, the applicant's SOC 814 as well as additional submitted records indicate the applicant has a learning disability. This prompts the worker to call the applicant to offer reasonable accommodation. The worker initiates this conversation by asking the applicant whether they had difficulty understanding and completing their SOC 814. The applicant states they were unable to understand most of the SOC 814. As a reasonable accommodation, the worker could assist the client by going over the SOC 814 with them, providing clarification as needed, and revising the original SOC 814. The worker should also confirm with the applicant what type(s) of reasonable accommodation will help them going forward. This information must be documented as instructed in this letter.
4. The lead CWD for a CAPI consortium receives an emailed application forwarded by a consortium member CWD. The worker handling the application for the lead CWD sees on the SOC 814 that the applicant has low vision and requests assistance with the application process. The worker contacts the applicant by phone, confirms the applicant needs assistance in applying due to their low vision, and asks whether reading through the application together or any other type of immediate assistance would be helpful. The worker should also ask what assistance would be helpful going forward. Because applicants may not be aware of what types of auxiliary aids and services are available, the worker should explain the options, including forms and other written communication in alternate formats. This information must be documented as instructed in this letter.
5. A CAPI applicant brings a friend to the CWD office to help them with completing and submitting a CAPI application. The applicant's friend uses a wheelchair. As a reasonable accommodation for the applicant's companion, the CWD could provide the two of them with workspace in a wheelchair accessible room while they fill out the application.