

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



June 19, 2001

ALL-COUNTY INFORMATION NOTICE I-49-01

TO: ALL COUNTY WELFARE DIRECTORS
ALL FOOD STAMP COORDINATORS

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order or Settlement Agreement
- Clarification Requested by One or More Counties
- Initiated by CDSS

SUBJECT: AMENDMENTS TO DRAFT EMERGENCY REGULATIONS FOR FINAL RULE ON NONCITIZEN ELIGIBILITY AND CERTIFICATION PROVISIONS OF THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996—EFFECTIVE JUNE 1, 2001

REFERENCE: ALL-COUNTY LETTER 01-24; ADMINISTRATIVE NOTICE 01-13

The purpose of this notice is to provide information on changes that have been made to the Noncitizen Eligibility and Certification Provisions, final federal regulations, that were issued to the counties as draft emergency regulations in All-County Letter (ACL) 01-24. The attachment to this notice contains changes and updates that are incorporated into the emergency regulations, which were released on May 31, 2001 and filed with the Secretary of State.

If you have any questions regarding these changes, please contact LeAnne Torres at (916) 654-2135.

Sincerely,


GARY SWANSON, Chief
Food Stamp Branch

Attachment

**CHANGES TO DRAFT EMERGENCY REGULATIONS ISSUED
WITH ACL 01-24—EFFECTIVE JUNE 1, 2001**

PART A:

The following changes/updates have been made to the Noncitizen Eligibility and Certification Provisions, final federal regulations, issued to counties as draft emergency regulations in All County Letter 01-24. Except as stated in Part B, the changes will be incorporated into emergency regulations targeted for release under separate cover in June.

- **Section 63-102 – Definitions**

The definitions of the California Work Opportunity and Responsibility to Kids (CalWORKs) Program, Household, Means-Tested Public Benefits, and Temporary Assistance to Needy Families (TANF) are removed from these emergency regulations. They will be incorporated into regulations in a clean-up regulations package, or after public testimony is received for the emergency package.

- **Section 63-300.55 – Handbook**

The information in Handbook regarding the Department of Justice Interim Guidance on Verification of Citizenship is removed. Given the state mandate for counties to verify citizenship through the Systematic Alien Verification and Eligibility System (SAVE), any reference to the “Interim Guide” is unnecessary in regulation.

- **Section 63-300.55(h) – Sponsored Noncitizen Information**

Subsections (3), (4), (5), and (8), which were deleted in the draft regulations, will be reinstated in the emergency regulations package to be released under separate cover.

- **Section 63-501.3 – Exclusions From Resources**

Underlined subsection (f), which defines an inaccessible resource, will revert back to its original language. Instead, a new subsection (d) will read: “Resources with an equity value of \$1,500 or less, excluding financial instruments such as stocks, bonds and negotiable financial instruments.” Also, handbook section 63-501.521 will be deleted, but the contents will be included in new subsection (d) of 63-501.3.

- Section 63-501.3(c)(2) – Exclusions From Resources

The phrase “regardless of the use of the vehicle” was misplaced and will be deleted from the emergency regulations.

- Section 63-501.3(h)(5) – Exclusions From Resources

This section is revised to read: “Property, other than financial instruments (stocks, bonds, legally binding promissory notes, etc.) or vehicles, which if sold or otherwise disposed would be unlikely to produce “less” than \$1,500. After public testimony is received and during “clean-up” of the regulations, the word “less” will be changed to “more.” Counties should apply “more than \$1,500” when implementing this rule on June 1. Subsections (A) and (B) are deleted.

- Section 63-503.47 – Residents of Drug/Alcoholic Treatment and Rehabilitation Programs

All references to Electronic Benefit Transfer (EBT) are deleted.

- Section 63-503.492(d) – Indigent Noncitizens

This section is modified for clarification and reads: “If a determination is made by an agency that an indigent sponsored noncitizen would go hungry and homeless without benefits, an exception to the deeming rules would be permitted. In these cases, the amount of income and resources of the sponsor or the sponsor’s spouse that is attributed to the sponsored noncitizen shall not exceed the amount actually provided. This exception applies for a period beginning on the date of such determination and ending 12 months from that date.”

- Section 63-503.493(d) – Changing Sponsors

This deleted section will be reinstated into the emergency regulations package.

PART B:

The following are clarifications that will be incorporated into regulations after public testimony is received.

- Section 63-501.525 – Resource Determinations – Vehicles

In Step 3 of the vehicle evaluation plan, clarification will be added to expand the definition of adult household member. Adult household member also means an ineligible noncitizen or disqualified household member whose resources are considered available to the household. Also, clarification of a household member under the age of 18 includes an ineligible noncitizen or disqualified household member under age 18 whose resources are considered available to the household.

- Section 63-502.2(i)(1) – Income Exclusions

This section will be modified for clarity to read: “Earnings to household members under 19 years of age who are *under the parental control of another adult household member and who* are participating in on-the-job training programs under Section 204(b)(1)(C) or 264(c)(1)(A) of the Workforce Investment Act, *regardless of school attendance and/or enrollment.*”

- Section 63-502.2(j)(1) – Income Exclusions

The reference to 45 CFR 261.31(b)(1) should read 45 CFR 260.31(b)(1).