

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, California 95814



April 10, 2007

ALL COUNTY INFORMATION NOTICE NO. I-18-07

TO: ALL COUNTY WELFARE DIRECTORS  
ALL FOOD STAMP COORDINATORS  
ALL CalWORKs PROGRAM SPECIALISTS

**REASON FOR THIS TRANSMITTAL**

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

SUBJECT: FOOD STAMP QUESTIONS AND ANSWERS (Q&amp;As)

The purpose of this letter is to provide counties with questions and answers regarding Food Stamp Program (FSP) policy. These questions were submitted by the Food Stamp Review and Advisory Team (FRAT) of the County Welfare Director's Association (CWDA). Answers were developed at the state level and finalized with assistance from FRAT members.

Answers to these questions are intended to be informational and are only based on the general circumstances provided in the question. For appropriate application to specific case circumstances, counties should refer to the regulations, All County Letters and All County Information Notices that are referenced in the responses.

If you have any questions regarding the attached Q&As, please contact Joyce Brewer of the Policy Implementation Unit at (916) 654-3366.

Sincerely,

***Original Document Signed By:***

RIGHTON YEE, Chief  
Food Stamp Branch

Attachment

## **NONCITIZENS - AMNESTY NONCITIZEN**

### **QUESTION:**

The client is verified by Systematic Alien Verification for Entitlements (SAVE) as a “temporary resident-temporary employment authorized” with date of entry 09-01-80. He has a valid social security number.

The documentation provided as to status is a 245A Temporary Resident card issued 12/18/87. Also submitted was an I-797C Immigrant Petition type I-130 showing approval of the petition and that the client will apply for adjustment of status. This petition is dated 05/03/05.

There is nothing that seems to authorize food stamps currently to someone who is verified as a 245A Temporary Resident who has yet to adjust his status to Permanent Resident.

### **ANSWER:**

True. The 245A noncitizens in this question must show Legal Permanent Resident (LPR) status. If there is no proof of LPR status, the individual is considered undocumented and ineligible.

## **INCOME – TREATMENT OF FOSTER CARE INCOME**

### **QUESTION:**

According to MPP 63-402.322(b), foster care boarders may participate in the Food Stamp Program (FSP) as members of the Household (HH) providing boarder services, but the Foster Care (FC) payments must be treated as income to the HH. Under CalWIN budgeting logic, when a foster child is released to the custody of his/her parent, the FC payment made to the foster parent in the month is budgeted as income to the child's parent's Food Stamp (FS) case. Is this a correct treatment of the FC income received by the foster parent?

### **ANSWER:**

It is not correct to budget the FC payment made to the foster parent as income in the child's parent's FS case. A foster child placed by a federal, state, or local governmental program in the private home of a relative, or other individual or family, shall be considered a boarder (MPP 63-402.141(a)). Boarders may participate in the FSP as a member of the HH at the HH's request (MPP 63-402.32). The regulations do not direct staff to budget FC payments made to the foster parent towards the child's natural/stepparent when the child is returned to the home.

## **TRANSITIONAL FOOD STAMPS (TFS) – INDIVIDUAL LEAVES TFS HOUSEHOLD TO GO TO ANOTHER HOUSEHOLD**

### **QUESTION:**

What calculation should be used to adjust the TFS benefit amount when an individual, who was part of the TFS HH, is approved for benefits with another FS HH? Would the income of an individual, who is leaving the HH, remain with the TFS HH even though it is also being counted in a new FS HH budget?

### **ANSWER:**

Unlike regular FS, the TFS benefit calculation is frozen for the five-month period, unless an individual leaves the HH and is approved for benefits in another HH. If this occurs the county must change the HH's allotment by reducing the number of persons in the HH. Because the TFS benefit amount is based on the HH circumstances at the time of the CalWORKs discontinuance, the only change that would affect the HH is loss of the member approved in the other HH. Therefore the income is not removed. (MPP 63-504.132c)

(Previously published in ACIN I-75-05)

## HOUSEHOLD CONCEPT – SEPARATE HOUSEHOLD STATUS FOR ELDERLY/DISABLED PERSON

### Question:

Can an elderly and disabled individual living with others be a separate household from the other household members including the individual who purchases and prepares food for the individual?

### Answer:

Yes, an elderly and disabled individual living with others who is unable to purchase and prepare meals may be a separate household, even separate from the food purchaser and preparer for the elderly and disabled person. However, separate household status is only possible if the income (under MPP 63-502.1) of the others with whom the individual lives (excluding the income of such individual's spouse) is less than 165 percent of the federal income poverty level.

## **RESOURCES – GATE MONEY**

### **QUESTION:**

Is gate money considered a contribution under the Simplifications Options?

### **ANSWER:**

In the Simplification Options, a new regulation cite was added under Income Exclusions, stating that all payments that are excluded in the CalWORKs program under MPP 44-111 (with a few exceptions) will now be excluded in the food stamp program, as well (MPP 63-502.2(q)). Voluntary contributions fall under this section and MPP 44-111.421(b) states “the contribution would not be available for expenditure unless used in accord with conditions imposed by the donor...”

Gate money, or release allowance, is a sum of money given to an inmate/parolee upon his/her release from prison, either under the direct supervision of a parole agent or discharging from the jurisdiction of the Department of Corrections and Rehabilitation. Its purpose is to assist the inmate/parolee’s reintegration into society. Since gate money may be spent on anything the inmate/parolee needs or wants and he/she does not have to account for it, the money would not be considered a contribution.

Gate money will continue to be considered a resource per MPP 63-501.111 which states: “A nonrecurring lump sum payment includes, but is not limited to, income tax refunds, rebates or credits...These payments shall be counted as resources in the month received...” ACIN I-13-01 also addressed this issue, defining a resource as a one time payment resulting from a government policy or law.

## **INCOME – PER CAPITA PAYMENTS**

### **SCENARIO:**

Applicant applies for FS on August 2, 2006. He/she states they are a tribal member and as of July 31, 2006 has received \$2500 in per capita payments so far this year.

### **QUESTION:**

When do we exempt the \$2000 per capita payments? Is it at time of application or do we look at the “calendar year” (Jan. – Dec.), regardless of when client applies for FS?

### **ANSWER:**

For per capita payments not otherwise excluded per MPP 63-506, the first \$2000 received in a calendar year is excluded as income. Per MPP 63-506(b)(8), “Interests of individual Indians in trust or restricted lands shall be excluded as resources only; and any income from such interests, up to \$2,000 per calendar year per individual shall be excluded as income only...” If a client first applies for food stamps in August, 2006, up to \$2,000 can be excluded from any per capita payments received from that point on until the end of the calendar year. Prior to August, the client was not receiving food stamp benefits; therefore the exclusion was not applicable up until that point. Once the client applies for benefits, up to \$2,000 may be excluded from any per capita payments for the rest of the year. Any amount over \$2,000 will be counted as unearned income per MPP 63-502.146. January, 2007, will be the start of another calendar year and the client will be eligible to exclude the first \$2,000 distributed during that year. ACIN I-34-05 answers similar questions concerning per capita payments/casino disbursements.

## **INCOME EXCLUSIONS – INCOME FROM YOUTHBUILD PROGRAM**

### **QUESTION:**

Is income from a Youthbuild Program excluded from Income?

### **ANSWER:**

Yes. The income from the Youthbuild program would be excluded from Income per MPP 63-507(a)(17) which states “Allowances, earnings, and payments made under Title I of the National and Community Service Act (NCSA) of 1990 shall be excluded (P.L. 101-601, Section 177(d)).”

Youthbuild programs are intertwined with AmeriCorps and both are programs of the Corporation for National and Community Service. The NCSA includes programs under the Serve America, AmeriCorps umbrella program and National and Community Service subtitles.



## **UNEARNED INCOME – VETERANS ADMINISTRATION AID AND ATTENDANCE BENEFITS**

### **BACKGROUND:**

A Veteran's Administration (VA) Aid and Attendance (AA) benefit is an additional payment made to an elderly or disabled veteran, their spouses, surviving spouses and parents. It is paid based on the need of aid and attendance by another person or by a specific disability. A client's husband receives both VA benefits and AA benefits. The family does not pay for extra care for the veteran.

### **QUESTION:**

Would the AA benefit be excluded from income?

### **ANSWER:**

No. AA benefits do not fit the criteria for income exclusions as listed in MPP 63-502.2, nor are they excluded by other federal law, per MPP 63-507. AA benefits would be considered unearned income. Per MPP 63-502.14 and 63-502.142, "Unearned income shall include, but not be limited to: Annuities, pensions, retirement, veteran's, or disability benefits..."

## **CATEGORICAL ELIGIBILITY AND IMMEDIATE NEED**

### **QUESTION:**

Is a FS HH considered categorically eligible (CE) to FS benefits when they receive a California Work Opportunity and Responsibility to Kids (CalWORKs) immediate need (IN) payment regardless of whether they become an ongoing CalWORKs recipient?

### **EXAMPLE:**

1. Customer applies for CalWORKs and FS on August 3<sup>rd</sup>. Customer requests, is eligible for, and receives an IN payment of \$150 on August 4<sup>th</sup>. The customer also is eligible for, approved for, and issued ongoing FS benefits on August 4<sup>th</sup>. The customer is subsequently approved for ongoing CalWORKs benefits.
2. Same scenario as above however the CalWORKs benefits are subsequently denied due to the discovery of additional unreported property.

### **ANSWER:**

Yes. An IN payment is paid out of Temporary Assistance to Needy Families (TANF) block grant funds and therefore qualifies as a Public Assistance (PA) benefit even if the CalWORKs application is subsequently denied. CE is related to whether a household receives a PA benefit, not whether they were actually entitled to one or not.

In both circumstances the HH would be CE to FS benefits. The following regulation applies to the receipt of a PA benefit, not to whether a HH has been approved for ongoing benefits.

MPP Section 63-301.7 provides that any household in which all Food Stamp eligible household members receive or are authorized to receive PA benefits are considered categorically eligible for food stamps because the PA benefits have met the definition provided in MPP 63-102(p)(12).

## **DEDUCTIONS – HOMELESS SHELTER COSTS AND TELEPHONE UTILITY ALLOWANCE (TUA)**

### **QUESTIONS:**

Can a homeless individual be eligible for a TUA if they have a cell phone?

### **ANSWER:**

Yes, an individual with a cell phone can be eligible for a TUA per MPP 63-502.363(e) "...It shall be used only in instances where the household has a telephone, or in its absence, an equivalent form of communications." However, in order for a homeless individual to claim the TUA, they must be using actual verified shelter costs instead of the homeless shelter deduction, according to MPP 63-502.362(a), which states "If actual verified homeless shelter costs are higher than the homeless shelter deduction, the actual cost may be used as a housing cost instead of a homeless shelter deduction, and utility cost may be claimed." "If a homeless shelter deduction is used, separate utility costs are not allowed, since this allowance includes a utility cost component." per MPP 63-502.351. If the homeless recipient does not use actual shelter costs, the TUA cannot be claimed.