

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



September 24, 1987

ALL COUNTY INFORMATION NOTICE NO. 1-83-87


TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: PUBLIC LAW 100-77, TITLE VIII - FOOD ASSISTANCE FOR THE HOMELESS

Attached for your information is a copy of the Food Stamp portion of Public Law 100-77, the Stewart B. McKinney Assistance for the Homeless Act. This law was enacted July 22, 1987, as published in the House Conference Report No. 100-174.

In addition, a summary of the statutory provisions and their effective dates is attached. Please note that the effective dates mandated in the statute for many of the provisions are very short. We expect the federal interim regulations addressing the provisions of Public Law 100-177 will be published in the near future. Upon receipt of the federal regulations we will initiate the processing of state regulations.

If you have any questions, please call the Food Stamp Policy Bureau at (916) 445-6907.


ROBERT A. HOREL
Deputy Director

Attachment

cc: CWDA

to, the Alaska Native Claims Settlement Act), that is recognized by the Federal Government as eligible for special programs and services provided to Indians because of their status as Indians.

TITLE VIII—FOOD ASSISTANCE FOR THE HOMELESS

Subtitle A—Food Stamp Program

SEC. 801. DEFINITION OF HOMELESS INDIVIDUAL

Section 3 of the Food Stamp Act of 1977 (7 U.S.C. 2012) is amended by adding at the end thereof the following new subsection:

"(s) 'Homeless individual' means—

"(1) an individual who lacks a fixed and regular nighttime residence; or

"(2) an individual who has a primary nighttime residence that is—

"(A) a supervised publicly or privately operated shelter (including a welfare hotel or congregate shelter) designed to provide temporary living accommodations;

"(B) an institution that provides a temporary residence for individuals intended to be institutionalized;

"(C) a temporary accommodation in the residence of another individual; or

"(D) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings."

SEC. 802. DEFINITION OF HOUSEHOLD.

(a) **REVISION OF DEFINITION.**—The first sentence of section 3(i) of the Food Stamp Act of 1977 (7 U.S.C. 2012(i)) is amended—

(1) by striking out "or (2)" and inserting in lieu thereof "(2)";

(2) by inserting before the semicolon the following: "; or (3) a parent of minor children and that parent's children (notwithstanding the presence in the home of any other persons, including parents and siblings of the parent with minor children) who customarily purchase food and prepare meals for home consumption separate from other persons, except that the certification of a household as a separate household under this clause shall be reexamined no less frequently than once every 6 months"; and

(3) by inserting "(other than as provided in clause (3))" after "except that".

(b) **EFFECTIVE DATE.**—The amendments made by this section shall become effective on October 1, 1987.

SEC. 803. ANNUAL ADJUSTMENT OF INCOME ELIGIBILITY STANDARDS.

(a) **DATE OF ANNUAL ADJUSTMENT.**—Section 5(c) of the Food Stamp Act of 1977 (7 U.S.C. 2014(c)) is amended by inserting "shall be adjusted each October 1 and" after "eligibility" the first place it appears.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall become effective on July 1, 1988.

SEC. 804. ANNUAL ADJUSTMENTS TO THE STANDARD DEDUCTION.

(a) **REVISION OF DEDUCTION.**—The second sentence of section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended—

(1) by striking out "and (3)" and inserting in lieu thereof "(3)";

(2) by striking out "each October 1 thereafter" in clause (2) and inserting in lieu thereof "October 1, 1986"; and

(3) by inserting before the period at the end thereof the following: "; and (4) on October 1, 1987, and each October 1 thereafter, to the nearest lower dollar increment to reflect changes in the Consumer Price Index for all urban consumers published by the Bureau of Labor Statistics, for items other than food, for the twelve months ending the preceding June 30".

(b) **EFFECTIVE DATE.**—The amendments made by this section shall become effective on October 1, 1987.

SEC. 805. INELIGIBILITY FOR EARNED INCOME DEDUCTION.

(a) **INELIGIBILITY FOR THE DEDUCTION.**—The third sentence of section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended by inserting before the period at the end the following: ", except that such additional deduction shall not be allowed with respect to earned income that a household willfully or fraudulently fails (as proven in a proceeding provided for in section 6(b)) to report in a timely manner".

(b) **EFFECTIVE DATE AND APPLICATION.**—

(1) The amendment made by this section shall become effective and shall be implemented 45 days after the date of enactment of this Act.

(2) The amendment made by this section shall not apply with respect to allotments issued under the Food Stamp Act of 1977 to any household for any month beginning before the effective date of the amendment.

SEC. 806. EXCESS SHELTER EXPENSE.

(a) **REVISION OF DEDUCTION.**—The proviso to the fourth sentence of section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended by striking out "That the amount of such" and all that follows through the end of the sentence and inserting in lieu thereof the following: "That the amount of such excess shelter expense deduction shall not exceed \$164 a month in the forty-eight contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, and the Virgin Islands of the United States \$285, \$234, \$199, and \$121 a month, respectively, adjusted on October 1, 1988, and on each October 1 thereafter, to the nearest lower dollar ~~amount~~ increment to reflect changes in the shelter, fuel, and utilities components of housing costs in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics, as appropriately adjusted by the Bureau of Labor Statistics after consultation with the Secretary, for the twelve months ending the preceding June 30".

(b) **EFFECTIVE DATE AND APPLICATION.**—

(1) The amendment made by this section shall become effective on October 1, 1987.

(2) The amendment made by this section shall not apply with respect to an allotment issued under the Food Stamp Act of

1977 to a household for a certification period beginning before October 1, 1987.

SEC. 807. THIRD PARTY PAYMENTS FOR CERTAIN HOUSING.

(a) **EXCLUSION FROM INCOME.**—Section 5(k)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2014(k)(2)) is amended—

- (1) in subparagraph (D), by striking out "or" at the end;
- (2) by redesignating subparagraph (E) as subparagraph (F); and
- (3) by inserting after subparagraph (D) the following new subparagraph:

"(E) housing assistance payments made to a third party on behalf of a household residing in temporary housing if the temporary housing unit provided for the household as a result of such assistance payments lacks facilities for the preparation and cooking of hot meals or the refrigerated storage of food for home consumption; or".

(b) **EFFECTIVE DATES AND APPLICATION.**—

(1) The amendments made by this section shall be effective and shall be implemented for the period beginning 90 days after the date of enactment of this Act and ending September 30, 1989.

(2) The amendments made by this section shall not apply with respect to allotments issued under the Food Stamp Act of 1977 to any household for any month beginning before the effective period of this section begins.

SEC. 808. FOOD STAMP INFORMATION FOR THE HOMELESS.

(a) **AUTHORITY TO PROVIDE INFORMATION.**—Section 11(e)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(1)(A)) is amended by inserting "except, at the option of the State agency, food stamp informational activities directed at homeless individuals" after "Act".

(b) **ADMINISTRATIVE EXPENSES.**—The first sentence of section 15(a) of the Food Stamp Act of 1977 (7 U.S.C. 2025(a)) is amended by striking out "and (4)" and inserting in lieu thereof "(4) food stamp informational activities permitted under section 11(e)(1)(A), and (5)".

SEC. 809. EXPEDITED FOOD STAMP SERVICE.

(a) **ELIGIBILITY.**—Section 11(e)(9) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(9)) is amended—

- (1) by striking out "and" after the semicolon at the end of clause (ii) of subparagraph (A);
- (2) by redesignating subparagraph (B) as subparagraph (D);
- (3) by inserting after subparagraph (A) the following new subparagraphs:

"(B) provide coupons no later than five days after the date of application to any household in which all members are homeless individuals and that meets the income and resource criteria for coupons under this Act;

"(C) provide coupons no later than five days after the date of application to any household that has a combined gross income and liquid resources that is less than the monthly rent, or mortgage, and utilities of the household; and"; and

(4) in subparagraph (D) (as redesignated), by striking out "the household" and inserting in lieu thereof "a household referred to in subparagraph (A), (B), or (C)".

(b) **EFFECTIVE DATE.**—The amendments made by this section shall become effective and be implemented as soon as the Secretary of Agriculture determines is practicable after the date of enactment of this Act, but not later than 160 days after the date of enactment of this Act.

Subtitle B—Temporary Emergency Food Assistance Program (TEFAP)

SEC. 811. VARIETY OF COMMODITIES UNDER TEFAP.

(a) **COMMODITIES FOR ELIGIBLE RECIPIENT AGENCIES.**—Section 202(d) of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by inserting after "shall include" the following: "a variety of commodities and products thereof that are most useful to eligible recipient agencies, including".

(b) **TECHNICAL AMENDMENT.**—Section 202 of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by inserting the subsection designation "(a)" after "SEC. 202."

SEC. 812. DISTRIBUTION OF SURPLUS FLOUR, CORNMEAL AND CHEESE.

The Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by inserting after section 202 the following new section:

"AVAILABILITY OF CCC FLOUR, CORNMEAL, AND CHEESE

"SEC. 202A. Notwithstanding any other provision of law—

"(a)(1) To the extent provided in advance in an appropriation Act, in fiscal year 1988, flour, cornmeal, and cheese acquired by the Commodity Credit Corporation that are in excess of quantities needed to—

"(A) carry out other domestic donation programs,

"(B) meet other domestic obligations (including quantities needed to carry out a payment-in-kind acreage diversion program),

"(C) meet international market development and food aid commitments, and

"(D) carry out the farm price and income stabilization purposes of the Agricultural Adjustment Act of 1938, the Agricultural Act of 1949, and Commodity Credit Corporation Charter Act,

shall be made available as provided in paragraph (2).

"(2) The Secretary shall make such excess flour, cornmeal, and cheese available in any State, in addition to the normal allotment of such commodities (adjusted by any reallocation) for fiscal year 1988 under this Act, at the request of the chief executive officer of such State who certifies to the Secretary that—

"(A)(i) individuals in such State who are eligible to receive flour, cornmeal, and cheese under this Act are not receiving such commodities distributed under other provisions of this Act, or

"(ii) the number of unemployed individuals in such State has increased during the most recent 90-day period for which unemployment statistics are available prior to the date the certification is made, and

"(B) the distribution of flour, cornmeal, and cheese under this section in such State will not substantially displace the commercial sale of such commodities in such State.

"(b) Flour, cornmeal, and cheese made available under this section by the Secretary shall be made available without charge or credit in fiscal year 1988, in a usable form, for use by eligible recipient agencies in a State.

"(c) The amount of cheese made available under this section in fiscal year 1988 shall not exceed 14,000,000 pounds.

"(d) Whenever the Secretary receives a request submitted under subsection (a)(2), the Secretary shall immediately notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that such request was received."

SEC. 813. AUTHORIZATION OF APPROPRIATIONS FOR FOOD STORAGE AND DISTRIBUTION COSTS UNDER TEFAP.

The first sentence of section 204(c)(1) of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by striking out "and September 30, 1987" and inserting in lieu thereof "through September 30, 1988".

SEC. 814. CONTINUATION OF TEFAP.

(a) **IN GENERAL.**—Section 212 of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by striking out "1987" and inserting in lieu thereof "1988".

(b) **CONFORMING AMENDMENT.**—Section 210(c) of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended—

(1) by striking out "beginning October 1, 1988, and ending September 30, 1987" and inserting in lieu thereof "ending on the date specified in section 212"; and

(2) by striking out "fiscal year ending September 30, 1987" and inserting in lieu thereof "fiscal year ending September 30, 1988".

TITLE IX—VETERANS' PROVISIONS

SEC. 901. EXTENSION OF VETERANS' JOB TRAINING ACT.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 16 of the Veterans' Job Training Act (29 U.S.C. 1721 note) is amended—

(1) by striking out "\$65,000,000 for fiscal year 1986" and inserting in lieu thereof "a total of \$65,000,000 for fiscal years 1986, 1987, and 1988"; and

(2) by striking out "September 30, 1988" and inserting in lieu thereof "September 30, 1989".

(b) **EXTENSION OF TERMINATION DATES.**—Section 17(a) of such Act is amended—

(1) by striking out "January 31, 1987" in clause (1) and inserting in lieu thereof "December 31, 1987"; and

Provision

Statutory Effective Date

P.L. 100-77

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| Exclusion of "welfare hotel" vendor payments until 9-30-89 | o 90 days after enactment |
| Exception to household definition for certain parents and their minor children | o 10-1-87 |
| Expansion of expedited service to the homeless and households whose gross income plus liquid resources are less than monthly shelter costs | o no later than 160 days after enactment |
| Optional outreach to the homeless | o upon enactment |
| Definition of homeless | o upon enactment |
| Penalty for intentionally failing to report income | o 45 days after enactment |
| Dollar amount of October 1, 1987 shelter deduction limit | o 10-1-87 |
| Change in the methodology for updating the standard and excess shelter deductions | o 10-1-87 |
| Change in schedule for updating the income eligibility limits from July to | o 7-1-88 |