



CDSS

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REASON FOR THIS TRANSMITTAL

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

November 3, 2015

ALL COUNTY LETTER (ACL) NO. 15-94

TO: ALL COUNTY WELFARE DIRECTORS
ALL CALFRESH PROGRAM SPECIALISTS
ALL CONSORTIUM PROJECT MANAGERS

SUBJECT: CALFRESH PROGRAM: RESIDENCY

REFERENCE: [ALL COUNTY LETTER NO. 11-22](#) (dated March 25, 2011),
[ALL COUNTY LETTER NO.13-78](#) (dated September 19, 2013)

The purpose of this All County Letter (ACL) is to provide County Welfare Departments (CWDs) with clarification on California Department of Social Services' (CDSS) policy concerning issues related to residency for purposes of CalFresh. In addition, this letter will provide examples related to Inter-County Transfers (ICTs), temporary absences (both out-of-county and out-of-state), homelessness, and for persons applying for CalFresh in California who reside in another state. Finally, this letter provides information about reporting requirements related to residency.

The following is a paraphrase of the federal residency regulation [7 Code of Federal Regulation 273.3 (a)]:

A household shall live in the State in which it files an application for participation. The State agency may also require a household to file an application for participation in a specified project area [*in California, each county is designated as a separate project area*] or office within the State. No individual may participate as a member of more than one household or in more than one *county*, in any month. The State agency shall not impose any durational residency requirements. The State agency shall not require an otherwise eligible household to reside in a permanent dwelling or have a fixed mailing address as a condition of eligibility. Nor shall residency require an intent to reside permanently in the State or *county*. Persons in a project area solely for vacation purposes shall not be considered residents.

As stated above, states cannot impose durational residency requirements, require a fixed mailing address or require the intent to reside permanently in a county. The following examples illustrate the appropriate responses for CWDs to take in a variety of circumstances.

Inter County Transfer (ICT)

As stated in ACL 11-22, CWDs are to use the ICT process when a CalFresh recipient household moves from one county to another.

Example:

On March 4, 2015, client reports that the entire household has moved from County A to County B. This is not a temporary absence. County A should initiate an ICT as established in ACL 11-22.

Temporary Absences

Temporary absences refer to clients who are temporarily residing in another county for various reasons but intend to return to their initial county of residence. Below are examples of temporary absences that will not result in discontinuance.

Example 1:

A household lives in County A but the husband has been temporarily relocated for three months to County B for his job. He intends to return to County A once his job in County B has concluded. In this instance, the household continues their residency in County A while the husband may use CalFresh benefits in County B.

Example 2:

County A discovers via an EBT usage report or other third party information that a household may be residing in County B. If this information results in the household's eligibility being questionable, County A must send a CF 387 Request for Information (RFI) as cited in MPP 63-300.5 (a)(2) to the household's last known address to request the needed information to clarify eligibility. If the household provides the requested information within the 10-day time frame confirming it is now residing in County B and eligibility is maintained, County A should initiate an ICT as referenced in ACL 11-22. If the household does not reside in County B, County A should maintain the case. If the household does not respond, the household's benefits shall be terminated at the end of the month in which a 10-day notice can be provided for failing to respond to the RFI.

Example 3:

County A receives an EBT usage report indicating that a client has been accessing their benefits in another county for an extended period of time. The county must attempt to contact the client by sending an RFI to the last known address. The household responds stating that it is temporarily in another county caring for a sick relative, or fleeing domestic abuse, or any other reason, but intends to return. As long as the household continues to meet its reporting requirements, no ICT shall be initiated and County A shall maintain the case. However, if the household has not returned to County A within one year, the household will be considered to have changed its county of residence and an ICT shall be initiated as described in ACL 11-22. If the client does not respond to the RFI, the county should take appropriate action as described in MPP 63-300.5(a)(2).

Out-Of-State

Out-of-State refers to clients who are in a state other than their established state of residence for various reasons but may intend to return to their state of residence at some point.

Example 1:

County A receives an EBT usage report indicating that a client has been accessing their benefits in another state for an extended period of time. The county must attempt to contact the client by sending an RFI to the last known address to determine if the client has moved to the other state or intends to return to County A. The household responds stating that they are temporarily in another state caring for a sick relative, or fleeing domestic abuse, or any other reason, but intends to return to County A. As long as the household continues to meet its reporting requirements, County A shall maintain the case. However, if the household has not returned to County A within one year, the household will be considered to have changed its state of residency and must be discontinued. No notice of action is required. If the client does not respond to the RFI, the county should take appropriate action as described in MPP 63-300.5 (a)(2).

Example 2:

County A receives an EBT usage report indicating that a client has been accessing their benefits in another state for an extended period of time. The county must attempt to contact the client by sending an RFI to the last known address to determine if the client has moved to the other state or intends to return to County A. If the household does not respond, the household's benefits shall be terminated for failing to respond to the RFI as described in MPP 63-300.5 (a)(2).

Example 3:

County A receives an EBT usage report indicating that a client has been accessing their benefits in another state for an extended period of time. The county must attempt to contact the client by sending an RFI to the last known address. The household responds that they are residing in another state. No notice of action is required. The household's benefits shall then be terminated for loss of residency or for having moved out of state.

Homeless Households

There may be circumstances in which homeless recipients move and access their benefits in counties (or states) other than the county that they identify as their county of residence. Out-of-county or out-of-state usage alone is not justification for the county to determine that the recipients are actually residing in that other county (or state). The county must send an RFI, to the last known address (which may be a county PO Box or General Delivery address) to determine if the client has moved to another state or intends to return to County A.

If the recipient does not respond to the RFI within 10 days, the case must be discontinued. If the recipient responds to the RFI within the 10-day time period, the county must evaluate the recipient's residency and determine if the case should be transferred, terminated, or if eligibility is to be maintained in the original county.

Note: As defined in MPP 63-102(h)(2)(C)(1), an individual who is residing in the residence of another individual can be classified as "homeless" for a maximum of 90 days. If the recipient moves into a different temporary residence situation, a new 90-day period begins. There is no limit on the number of times an individual can be identified as homeless.

Persons applying in California who live in another state

A person who is applying for CalFresh benefits in California because they are visiting and will be staying for an extended amount of time, but states that they reside in a different state, shall not receive benefits in California due to their stated residency in the other state. They may apply in their state of residence. See example below.

Example:

Client applies for CalFresh benefits in a California county. The client discloses that he/she is visiting friends and will be staying for several months with an unknown return date. The client is financially eligible for CalFresh, but states their residency is in Washington. The client's application must be denied. The applicant should be instructed to apply in Washington.

Reporting Requirements

Change Reporting

Change reporting households are required to report changes of address within ten days. The change may be reported by telephone, by personal contact, or by mail, and may be reported by a household member or the household's authorized representative. When the report is made by mail, it may not reach the CWD within the ten-day period.

Households will have met the reporting requirement provided the letter is postmarked within the ten-day period.

Semi-Annual Reporting (SAR)

SAR households are not required to report changes of address other than at application recertification, or submission of the SAR 7. If a recipient does report that a household member (or the entire household) has moved out of state at any other time, the CWD will terminate benefits for the individual or the entire household at the end of the month.

Overissuances

An overissuance is defined as any amount of CalFresh benefits issued to a household that exceed the amount of benefits to which the household is entitled. Based on the information provided above, an overissuance cannot be established solely on the basis of a household accessing its CalFresh benefits or being located temporarily in another county or state.

Mail Returned as "Undeliverable" or Addressee Unknown

A discontinuance based on "whereabouts unknown" is not permitted in CalFresh. Discontinuance must be based on an established loss of residency gained from reliable information which indicates a move out of the county or state. Therefore, if mail is sent to the household's address of record and is returned as "undeliverable" or "addressee unknown," the CWD cannot assume a loss of residence in the county of benefit issuance. There must be, as determined by the CWD and the criteria stated above, sufficient information to make a determination of eligibility. The county must attempt to contact the client by sending an RFI to the last known address. If the client does not respond to the RFI, the county must take appropriate action as described in MPP 63-300.5(a)(2).

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If you have any questions regarding this letter, please contact your CalFresh county consultant or call the CalFresh Policy Bureau at (916) 654-1896.

Sincerely,

Original Document Signed By:

TODD R. BLAND
Deputy Director
Welfare to Work Division