

## DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



August 7, 2003

ALL-COUNTY LETTER NO.03-35

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: FOOD STAMP REAUTHORIZATION ACT OF 2002: MANDATORY  
CHANGES EFFECTIVE OCTOBER 1, 2003

REFERENCE: PUBLIC LAW 107-171 OF MAY 13, 2002, United States Department of Agriculture (USDA) Administrative Notice (AN) 03-04 dated October 21, 2002, AN 03-12 dated January 3, 2003, All-County Letter (ACL) 02-67 dated September 3, 2002, and ACL 03-08 dated February 11, 2003.

The purpose of this letter is to transmit implementing instructions and proposed State regulations to County Welfare Departments (CWD) regarding changes to the Food Stamp Program (FSP) resulting from the Food Stamp Reauthorization Act of 2002, which is part of the Farm Bill of 2002 (Public Law 107-171).

RESTORATION OF LEGAL NONCITIZENS, P.L. 107-171, SEC.4401.

Federal eligibility for food stamp benefits is being restored to three categories of legal noncitizens over a three-step phase-in process. Each phase of restoration has a 120-day quality control hold harmless period.

On October 1, 2002, federal eligibility was restored to legal noncitizens who are disabled, regardless of date of entry into the United States (reference ACL 02-67).

On April 1, 2003, federal eligibility was restored to legal noncitizens who have resided in the United States for five years, regardless of date of entry into the United States (reference ACL 03-08).

The attached proposed regulations, which will become effective October 1, 2003, represent the third and final step in the restoration of federal benefits to legal noncitizens,

and will apply to legal noncitizen children who are under 18 years of age, regardless of date of entry into the United States.

Additionally, these regulations eliminate the deeming requirements for noncitizen children that count the income and resources of the noncitizen's sponsor when determining food stamp eligibility and benefit amounts for the noncitizen child.

Because these federal restorations affect many noncitizens who are currently receiving benefits under the state-funded California Food Assistance Program, it is imperative that counties accurately and immediately reflect the transition to federally-funded food stamp assistance on the Food Stamp Program Participation and Coupon Issuance Report (DFA 256) effective upon the implementation date of the regulations.

If you have any questions regarding the above information, please contact Bill Mullinax of the Food Stamp Policy Development Unit at (916) 657-3418.

**Original Document Signed By  
Bruce Wagstaff on 8/7/03**

BRUCE WAGSTAFF  
Deputy Director  
Welfare to Work Division

Attachment

1. Adopt Section 63-405.137 to read:
2. Post-Hearing: Amend Sections 63-405.133 and .137 to read:

63-405 CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS (Continued) 63-405

.1 A noncitizen who is a lawful resident of the U.S. and meets any of the following requirements is eligible for participation in the federal Food Stamp Program (FSP): (Continued)

.13 INDEFINITE FOOD STAMP ELIGIBILITY CRITERIA. The following noncitizens are eligible indefinitely, provided they are one of the qualified noncitizens specified in Section 63-405.11:  
(Continued)

.133 ~~Was lawfully residing in the U.S. on August 22, 1996 and is~~ under 18 years of age ~~at application~~ and remains eligible until 18 years of age regardless of the date of entry into the U.S..  
(Continued)

~~.137 Is under the age of 18 regardless of the date of entry into the U.S.~~

.2 (Continued)

Authority Cited: Sections 10553, 10554, and 18904, Welfare and Institutions Code.

Reference: Sections 10554 and 18904, Welfare and Institutions Code; 7 Code of Federal Regulations (CFR) 273.2(f)(1)(ii)(B)(2), (j)(3) and (4); 7 CFR 273.4(a)(2), (a)(4)(ii) and (iii), (a)(5)(ii)(2)(B) and (2)(G)(1), (C), (E), (F) and (G)(1), (a)(8), and (c)(2)(i); 7 CFR 273.10(b); 7 CFR 273.6; 7 CFR 273.11; U.S.D.A. Food and Nutrition Service Administrative Notice (AN) 92-30; Federal Register, Vol. 56, No. 233, page 63594; Federal Register, Vol. 62, No. 202, dated October 20, 1997; Public Law (P.L.) 100-202 and 100-461, P.L. 104-193, Section 402 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); P.L. 105-185, Title V, Sections 503 through 510; P.L. 107-171, Title IV, Section 4401; AN 96-47; AN 96-48 (Part A, page 6); AN 96-55; AN 97-02; AN 97-13; AN 97-44; AN 97-82; AN 97-103; AN 97-107; AN 98-13; AN 98-21; AN 98-28; AN 98-30; AN 98-79; AN 98-93; AN 99-01; AN 99-24, AN 02-39, and AN 03-04.

1. Post Hearing: Amend Section 63-503 to read:

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT  
LEVELS (Continued)

63-503

4. Household with Special Circumstances (Continued)

.49 Households with Sponsored Noncitizens (Continued)

(f) Noncitizen children as specified in Section 63-405.133. (Continued)

Authority Cited: Sections 10553, 10554, and 18904, Welfare and Institutions Code.

Reference: Sections 10554 and 18904, Welfare and Institutions Code; 7 Code of Federal Regulations (CFR) 271.2; 7 CFR 272.3(c)(1)(ii); 7 CFR 273.1(b)(2)(iii), (c)(3)(i), (ii) and (e)(1)(i) as published in the Federal Register, Volume 59, No. 110 on June 9, 1994; 7 CFR 273.2(j)(4); 7 CFR 273.4(c)(2), (c)(2)(i), (c)(2)(i)(A), (c)(2)(iv), (c)(2)(v), (c)(3)(v), and (e)(1) and (2); 7 CFR 273.9(b)(1)(ii) and (b)(2)(ii); 7 CFR 273.10; 7 CFR 273.10(a)(1)(iii)(B); 7 CFR 273.10(c)(2)(iii), (c)(3)(ii), proposed amended 7 CFR 273.10(d) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994; (d)(1)(i), (d)(2), (d)(3), (d)(4), and proposed (d)(8) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994, and proposed amended 7 CFR 273.10(e)(1)(i)(E-H) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994; 7 CFR 273.11(a)(1)(i) through (iii), (a)(2)(i), (b)(1), (b)(1)(i) and (ii), (c), (c)(1), (c)(2)(iii), (c)(3)(ii), (d)(1), and (e)(1); 7 CFR 273.12(c)(3)(iv); 7 CFR 273.21(f)(2)(ii), (iii), (iv), and (v), (g)(3), (j)(1)(vii)(B), and (S); (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal. Feb. 1, 1990)\_\_\_\_F. Supp.\_\_\_\_; Waiver Letter WFS-100:FS-10-6-CA, dated October 2, 1990, U.S.D.A., Food and Consumer Services; Administrative Notice No. 89-12, No. 92-23, dated February 20, 1992, No. 94-39, and No. 94-65; Public Law (P.L.) 100-435, Section 351, and P.L. 101-624, Section 1717; [7 United States Code (U.S.C.) 2012, 2014(e), and 2017(c)(2)(B)]; 7 U.S.C. 2015(d)(1); 8 U.S.C. 1631, P.L. 104-193, Sections 115, 815, 821, 827 and 829 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); Federal Food Stamp Policy Memos 82-9 dated December 8, 1981, and 88-4 dated November 13, 1987, and Federal Register, Vol. 66, No. 229, dated November 28, 2001.