CALFRESH (CF) PROGRAM
REQUEST FOR POLICY/REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO:
   - [x] Policy/Regulation Interpretation
   - [ ] QC
   - [ ] Fair Hearing
   - [ ] Other:

5. DATE OF REQUEST: 2/11/15
   NEED RESPONSE BY: 2/23/15

6. COUNTY/ORGANIZATION: County of San Bernardino

7. SUBJECT: Foreign Exchange Student

2. REQUESTOR NAME: Maria Contreras

3. PHONE NO.: 909-383-9704

4. REGULATION CITE(S): Refer to #8

8. REFERENCES: *(Include ACL/ACIN, court cases, etc. in references)*
   NOTE: All requests must have a regulation cite(s) and/or a reference(s).
   63-402.3, 63-403; 63-405; 63-502; 63-503.442; 63-504, 63-402.22

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

Customer houses a foreign exchange student and is paid through Exchange Service International. Student is 17 years old, is attending the 12th grade at a local high school and has a Student Visa from USCIS. The customer receives $650 per month and provided a general statement letter that states: Students are to be provided three meals a day. The stipend is for the cost incurred for hosting the student. We recommend for you to consider about 2/3 of your stipend for the student. It also states that the $650 not be considered a source of income (this has been clarified to mean that the customer not rely on the $650 to pay her bills, since she may or may not have a student in any given month). Customer purchases and prepares her meals with the student. Are any of the monies received considered income to the household? If only 1/3 is considered income to the household, should we only use 1/3 of the money in the budget? Is the student considered a roomer/boarder? Are they considered an ineligible member of the household?

10. REQUESTOR'S PROPOSED ANSWER:

Student is ineligible to CalFresh due his USCIS status. Per 63-502.148: Unearned income shall include: Reimbursements which exceed total expenses or which are intended to cover living expenses, such as food, rent and clothing. The CWD should consider 1/3 ($273) as unearned income to the household.

11. STATE POLICY RESPONSE *(CFPB USE ONLY)*:

Based on the information provided:

1) The student is an ineligible member of the CalFresh household (63-402.22)

Citation: pg 9 of the FNS Non-Citizen Guidance: Non-citizens who are lawfully present in the United States in a non-qualified status, such as students and H-1B Visa workers are not eligible for SNAP benefits.

2) A third of the income would not be exempt and should be considered unearned income. The statement provided by the recipient states that the income "is for the cost incurred for hosting the student. We recommend for you to consider about 2/3 of your stipend for the student".

(Continued on page two.)

FOR CDSS USE

DATE RECEIVED: 0//11/15

DATE RESPONDED TO COUNTY/ALJ: 02/24/15 (FNS Response Received 02/24/15) sc

1. RESPONSE NEEDED DUE TO: ☐ Policy/Regulation Interpretation ☐ QC ☐ Fair Hearing ☐ Other:	5. DATE OF REQUEST: NEED RESPONSE BY: 6. COUNTY/ORGANIZATION: 7. SUBJECT:
2. REQUESTOR NAME: 3. PHONE NO.: 4. REGULATION CITE(S):	8. REFERENCES: *(Include ACL/ACIN, court cases, etc. in references)* **NOTE: All requests must have a regulation cite(s) and/or a reference(s).**

However, any portion of the remaining two thirds that is for normal household living expenses such as rent or mortgage, personal clothing, or food eaten at home are a gain or benefit and, therefore, should be counted as income and should be pro-rated as income to the eligible household member. The county needs to determine how the two thirds would be used and, then pro-rate for non-citizens living in the CalFresh household (MPP 63-504.442).

Citation: 7 CFR 273.9(c)(5) reads "Reimbursements for normal household living expenses such as rent or mortgage, personal clothing, or food eaten at home are a gain or benefit and, therefore, are not excluded. To be excluded, these payments must be provided specifically for an identified expense, other than normal living expenses, and used for the purpose intended. When a reimbursement, including a flat allowance, covers multiple expenses, each expense does not have to be separately identified as long as none of the reimbursement covers normal living expenses. The amount by which a reimbursement exceeds the actual incurred expense shall be counted as income. However, reimbursements shall not be considered to exceed actual expenses, unless the provider or the household indicates the amount is excessive." [63-502.148, 63-502.2(g)]

Citation: MPP 63-503.442 A pro rata share of the income of such excluded members shall be counted as income to the remaining members. This pro rata share is calculated by first subtracting the allowable exclusions from the excluded member's income and dividing the remaining income evenly among the household members, including the excluded members. All, but the excluded members' share is counted as income for the remaining household members

3) The student is not considered a roomer/boarder (63-402.2 and 63-402.3)

Citation: 7 CFR 273.1 A boarder is an individual who pays for their meals, and a roomer has their lodging paid for, but meals are not provided. The student would be considered an ineligible household member (63-402.22).