

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: <input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:	5. DATE OF REQUEST: 01/03/2013	NEED RESPONSE BY:
2. REQUESTOR NAME: Steve Homer	6. COUNTY/ORGANIZATION: Humboldt County	
3. PHONE NO.: (707) 268-2787	7. SUBJECT: MCE Increase and IRT 8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s). ACL 13-108, ACL 12-62	
4. REGULATION CITE(S): 7 CFR 273.2(j)(iii)(B)		

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

CE households are not subject to Gross and Net income limits and cannot be discontinued if over income unless CE status is removed (ACL 12-62.) ACL 13-108 raises the MCE limit for most households to 200% FPL. Income over the IRT (130% FPL) is a mandatory report for SAR households and the County must take action mid-period to reduce or discontinue benefits if household is over the IRT and reasonable expects income to continue at that level.

Question one: If a household of one or two is over IRT (but under 200% FPL) and income is expected to continue should the County grant the \$15 minimum monthly allotment?

Question two: If a household consist of three or more and is over the IRT (but under 200% FPL) and income is expected to continue should the County keep the case open with a zero allotment until renewal?

10. REQUESTOR'S PROPOSED ANSWER:

Question one: yes.

Question two: yes

11. STATE POLICY RESPONSE (CFPB USE ONLY):

Traditional CE households are eligible for CalFresh benefits because they receive cash benefits through CalWORKs or General Assistance. Per ACL 12-62 Modified CE is conferred to Non-Assistance CalFresh households that meet the gross income requirement (130% FPL or below for the TANF funded service that confers MCE) by distributing a non-cash TANF funded service 'Family Planning-PUB 275' and noting that MCE status is conferred in the case record. MCE households do not have to meet resource requirements, but must still meet all other eligibility requirements and have net income low enough to be eligible for CalFresh benefits. Per ACL 13-32, households with an elderly or disabled household member are eligible if they meet the gross income test (200% FPL or below for the TANF funded service that confers MCE). ACL 13-108 expands MCE status to households with a member receiving Medi-Cal that meet the gross income test (200% FPL or below for the TANF funded service that confers MCE) and all other CalFresh eligibility requirements other than the CalFresh resource limits. (Continued on back...)

FOR CDSS USE

DATE RECEIVED: 1/9/14	DATE RESPONDED TO COUNTY/ALJ: 1/28/14 Tawny Macedo
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**CALFRESH (CF) PROGRAM
REQUEST FOR POLICY/REGULATION INTERPRETATION (Continued)**

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

State Response (continued):

Once more, the individual case record must first document the household's gross income did not exceed the limit for the TANF-funded service (PUB 275) and that MCE was conferred and the PUB 275 was provided to the household. During the calculation of the household's benefit allotment, MCE households must still meet the net income test (100% FPL). MCE households of one or two persons are entitled to the minimum CalFresh benefit (\$15) even if the household's net income exceeds the maximum amount allowable for their household size (regardless of the values listed in the bracketed issuance tables). The same is true for Traditional CE households with 1 or 2 persons. MCE households of three or more persons with net income exceeding the maximum amount allowable are entitled to the allotment amount indicated by the values listed in the bracketed issuance tables for the household size. CalFresh does not carry cases with a zero benefit allotment, this policy will be expanded in a future ACL. If the MCE household exceeds the gross income requirements, the case cannot be terminated until MCE status has been removed.