

# 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:		5. DATE OF REQUEST:	NEED RESPONSE BY:
<input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:		8/18/2014	ASAP
2. REQUESTOR NAME: JENNIFER MARTINEZ		6. COUNTY/ORGANIZATION: YOLO	
3. PHONE NO.: 530-661-2789		7. SUBJECT: SPONSOR DEEMING EXCEPTION	
4. REGULATION CITE(S): 7 CFR 273(C)(3)(i); 63-503.492(a)		8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s).	
9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):			

If a sponsor receives CalFresh (or SNAP) in a SEPARATE household from the non-citizen they sponsored, is this an exemption from sponsor deeming for the sponsored non-citizen? Federal and State regs are conflicting.

7 CFR 273.4(c)(3)(i): states that the following people are exempt (from sponsor deeming): An alien who is a member of his or her sponsor's food stamp household.

63-503.492(a) states that a noncitizen who is participating in the Food Stamp Program as a member of his/her sponsor's household or a noncitizen whose sponsor is participating separate and apart from the noncitizen;

(continued on page 2)

10. REQUESTOR'S PROPOSED ANSWER:
According to the CFR there is no deeming exemption of the sponsor is participating in a separate CalFresh household than the sponsored non-citizen.

11. STATE POLICY RESPONSE (CFPB USE ONLY):
CDSS concurs with the proposed response. MPP Section 63-503.492(a) is out of date and federal regulations at 7 CFR 273.4 (c)(3) continue to apply. In addition, Supplemental Nutrition Assistance Program (SNAP) Guidance on Non-citizen Eligibility released in June of 2011 contains the following language: "If the sponsor lives in the same household as the sponsored non-citizen, deeming does not apply because the sponsor's income and resources are already counted. There is, however, no deeming exemption if the sponsor receives SNAP in another household."

### FOR CDSS USE

DATE RECEIVED: August 18, 2014	DATE RESPONDED TO COUNTY/ALJ: December 9, 2014 (R Nevins)
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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:
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3. PHONE NO.:	7. SUBJECT:	
4. REGULATION CITE(S):	8. REFERENCES: <i>(Include ACL/ACIN, court cases, etc. in references)</i> <b>NOTE: All requests must have a regulation cite(s) and/or a reference(s).</b>	

Also in the SNAP: Guidance on Non-Citizen Eligibility on page 31 it states that "There is, however, no deeming exemption if the sponsor receives SNAP in another household."