

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: 5/31/16	NEED RESPONSE BY: 6/10/16
2. REQUESTOR NAME: Audry Gonsalvez		6. COUNTY/ORGANIZATION: Contra Costa County	
3. PHONE NO.: (925) 313-1641		7. SUBJECT: TUA deduction	
4. REGULATION CITE(S): MPP 63-502.363(b) 63-502.362, 63-502.353, 63-502.361		8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s). ACIN 1-85-02; ACL 13-35	
9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):			

Household has income and is currently homeless. They have no shelter costs but do have a telephone bill. since the client is homeless can this telephone cost be considered a shelter expense based on the list of items used to describe a shelter expense. And if so can they be allowed the homeless Shelter Deduction of \$143., since they incur a shelter cost? If yes then are the allowed the additional Telephone Utility Allowance (TUA)?

Per MPP 63-502.362 states Shelter cost shall include only the following:

- (d) The cost of heating and cooking fuel; cooling and electricity; water and sewerage; garbage ad trash collection fees; the basic service and rental fee for one telephone, including tax on the basic fee; and fees charged by the utility provider for initial installation of the utility. One -time deposits shall not be included as shelter costs. (see 2nd page) for more..

10. REQUESTOR'S PROPOSED ANSWER:

If the client is homeless and pays or expects to shelter costs then they can be allowed the Homeless Shelter Deduction. If the telephone bill is considered a shelter cost then they would be entitled to receive the Homeless Shelter Deduction of \$143. However since the telephone bill is considered their shelter cost they cannot be allowed a separate TUA for their telephone cost since it is a utility cost and is already included as a component in their Homeless Shelter Deduction. If the costs exceeds the \$143 then the can claim actual costs and provide verification in order for it to be allowed.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

No, household is homeless and does not pay any shelter cost in accordance with MPP 63-502.354 homeless households which do not incur, or expect to incur, shelter costs during the month shall not be eligible for homeless shelter deduction. TUA will be an allowable deduction in this case. The language in FS Policy Interpretation (PI) No. 2629, dated 1992, mentioned in "Note" on second page of this CF 24, is no longer valid because California has opted for mandatory SUA rather than using actual utility costs.

FOR CDSS USE

DATE RECEIVED:

05/31/16

DATE RESPONDED TO COUNTY/ALJ:

SV 06-27-2016

**CALFRESH (CF) PROGRAM
REQUEST FOR POLICY/REGULATION INTERPRETATION (Continued)**

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In addition 63-502.35 Homeless Shelter Deduction

353 All homeless households which incur , or reasonably expect to incur, shelter costs during a month shall be eligible to use the homeless shelter deduction without providing verification of the shelter costs. Higher shelter costs may be used if verification is provided

QUESTION #1: (this was in another ACL)

Is a homeless household eligible for the standard telephone allowance if the household has a telephone?

ANSWER:

In accordance with MPP Section 63-502.363(b), a standard telephone allowance is used only in the situation where the household has a telephone and is not entitled to the SUA.

Therefore, when the household has a telephone but is not entitled to the SUA, as in the case of a homeless household receiving the homeless shelter deduction, the standard telephone allowance may be used. The household may receive a higher deduction when actuals are used if it can verify that the actual service fee is higher. On the other hand, if a household is entitled to the SUA but chooses to claim actual utility expenses, then the household would not be allowed the standard telephone allowance. The household would be entitled to whatever the actual service fee is.

Note: FS Policy Interpretation (PI) No. 2629, dated 1992, is still valid.