

FIELD OPERATIONS BUREAU (FOB)

TRANSMITTAL NUMBER: 00-03 (FS)

February 14, 2000

TO: All Performance Measurement County, Field Operations Bureau and Corrective Action Staff

SUBJECT/PURPOSE: CFAP Changes: 1. Expanded eligibility, and 2. Nonassistance Work Requirement

RELATED REFERENCE: All County Letter 99-78, All County Information Notice I-53-99 and Transmittal 97-18 (F)

SUPERSEDES: None

EFFECTIVE DATE: August 1999 Sample Month

BACKGROUND:

Governor Davis recently signed Assembly Bill 1111, which in part contains revisions to the California Food Assistance Program (CFAP). These changes are effective August 1, 1999, but counties are not required to implement them until the October 1999 sample month.

Expanded Eligibility

Individual who meet all federal food stamp program eligibility criteria except noncitizen status are eligible for CFAP benefits if they are:

- Battered noncitizens ineligible for the federal program per Manual Section 63-405.118 because they do not meet the criteria in the handbook section 63-405.5.
- Cuban/Haitian entrants who are no longer federally eligible because of the expiration of their 7-year time limit.
- Noncitizens who are otherwise eligible for the federal food stamp program but entered the United States on or after August 22, 1996. These aliens are eligible from October 1, 1999 through September 30, 2000.

In addition, this legislation limits sponsor income/resource deeming to three years if the new Affidavit of Support was used and the sponsor is not otherwise exempt from deeming. (See exemptions at M.S. 63-503.491). Finally, the bill repeals the July 30, 2000 sunset date for CFAP.

Nonassistance Household Work Requirement

CFAP participation who do not receive CalWORKs must now comply with the able-bodied adults without dependents (ABAWD) work requirement to retain eligibility. The following is a summary of the requirement, see Transmittal 97-18 (F) for a complete description and QC procedures.

Nonexempt applicants and recipients must work or participate in allowable work activities an average of at least twenty hours a week in each month. If the household member is in workfare, the required number of hours per month is determined by dividing the household's total monthly CFAP allotment by the higher of the state or federal minimum wage. The recipient is allowed three "free" months during his/her 36-month period in which benefits can be received without meeting the requirement.

regained if the household member works or participated in allowable work activities for at least 80 hours in a 30-day period or, if in workfare, works the minimum number of hours required by the household's CFAP allotment.

After regaining eligibility, the individual can receive food stamps while not meeting the work requirement for a 3-consecutive month period if he/she has been laid off or his/her work hours have been reduced.

Exemptions are allowed for the following reasons:

- Being under age 18 or over age 50.
- Caring for an incapacitated person.
- Having a dependent child in the household, (the child must be a food stamp household member per M.S. 63-402.
- Physical or mental unfitness.
- Applying for or receiving Unemployment Compensation.
- Participating on a regular basis in a Drug Addition or Alcoholic treatment program.
- Being a student at least halftime.
- Being Pregnant.

INSTRUCTIONS:

FOB and PMC Quality Control Staff

For active cases, since CFAP eligibility is based upon federal ineligibility, use existing review procedures to verify that the determination of federal ineligibility is correct and that the basis for federal ineligibility is noncitizen status. When rereviewing work requirements compliance, continue to verify that the CFAP household member on CalWORKs is complying with his/her Welfare-to-Work plan. For CFAP members who do not receive CalWORKs, use the review procedures in Transmittal 97-18 (F), since they must now meet the ABAWD work requirement.

Variances resulting for the implementation of these changes will be included or excluded based upon: 1) The date the county reviewed the case or became aware that a review was needed; 2) Identified the case as containing CFAP eligible members; 3) The date the household requested a review, or 4) The date of certification/recertification, whichever occurred first after September 30, 1999. In most instances, the county will review the case upon receipt of the August 1999 CW/CA-7 Monthly Eligibility Report, so variances discovered in the October 1999 sample month and following months will be included.

For nonmonthly reporting households, the effective date for these provisions will be the month in which the case is recertified, the month the household requests an action or reports a change (thereby required the county to review the case) or the month in which the case file documentation shows that the county has identified the case as containing CFAP eligible members, whichever occurs first after September 30, 1999. In summary, the effective date will either the date the county takes some type of action on the case or recertification, whichever is earlier. If the household requests for review is earlier than either of these dates, then that date would be the effective date.

Because of different effective and implementation dates, reviewers are reminded to watch for

supplements to the household to cover the addition of new members in August and September. Treat such supplements in accordance with the instructions in the FNS Handbook 310 Section 233 B through E.

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For closed cases, applications that were not approved in August and September 1999 which should have been approved based upon the new eligibility criteria are to be considered improper denials.

County Corrective Action Staff

You may want to do some focused reviews of CFAP cases to ensure that these eligibility changes have been properly implemented. For nonassistance cases, pay special attention to compliance/noncompliance with the work requirements since in most cases the required number of hours for the household member will be reduced.

COUNTY INQUIRIES: County Program Information Analyst

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Original signed by Tom Benson

**TOM BENSON, Chief
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