

DEPARTMENT OF SOCIAL SERVICES  
744 P Street, Sacramento, CA 95814



November 22, 2002

ALL-COUNTY INFORMATION NOTICE I-85-02

TO: ALL COUNTY WELFARE DIRECTORS  
ALL FOOD STAMP COORDINATORS

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order or Settlement Agreement
- Clarification Requested by One or More Counties
- Initiated by CDSS

SUBJECT: FOOD STAMP QUESTIONS AND ANSWERS

The purpose of this notice is to provide counties with answers to questions regarding the Food Stamp Program (FSP). These questions were submitted by the County Welfare Directors Association's Food Stamp Committee. The answers were submitted to the committee for review and comments before being finalized by the Food Stamp Policy Bureau. As requested by the committee, questions and answers (Q&As) are separated and categorized for ease of reference.

If you have any questions regarding the attached Q&As, please contact the policy analyst assigned that area of the regulations.

Sincerely,

GARY SWANSON, Chief  
Food Stamp Branch

Attachment

## **BUDGETING – SHELTER DEDUCTION**

### **QUESTION #1:**

When a person is granted supplemental security income (SSI) and is removed from the food stamp household, when does the change to the shelter deduction occur if the SSI recipient contributes?

### **EXAMPLE 1a:**

A public assistance (PA) household member will be granted SSI benefits for May of 2002. The county welfare department (CWD) has information from the Social Security Administration (SSA) that benefits will be issued in May, and the CWD has time to remove the individual for May.

### **ANSWER:**

The household member must actually have received SSI payment in accordance with Manual of Policies and Procedures (MPP) Section 63-402.226 before he or she is removed from the household. While the CWD has information from the SSA that benefits will be issued to the individual in May, until the individual actually receives or is issued the SSI payment, the CWD shall not remove or discontinue the individual from the FSP.

If the SSI payment was received in May, the food stamp household would be required to report the change on the May CW7 in June (process month), and the SSI recipient would be removed from the household by the end of June. If the excluded SSI recipient contributes toward the shelter expense beginning in July, the change in the shelter deduction for a retrospectively budgeted household would be effective for the September issuance month [MPP Section 63-504.357].

### **EXAMPLE 1b:**

A nonassistance (NA) food stamp household member is granted SSI benefits in May of 2002, but the CWD didn't find out until mid-June when the CW7 is received.

### **ANSWER:**

If an SSI payment was actually received in May and the household reported the change on the CW7 for May, which was received in mid-June, the change was reported timely. In this instance, the CWD would remove the SSI recipient individual by the end of June. If the excluded SSI recipient contributes toward the shelter expense beginning in July, the change in the shelter deduction for a retrospectively budgeted household would be effective for September issuance month [MPP Section 63-504.357].

## **BUDGETING – STANDARD TELEPHONE ALLOWANCE**

### **QUESTION #1:**

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.

## HOUSEHOLD COMPOSITION

### QUESTION #1:

There is a 19-year-old female who is married to a 22-year-old male. They live with her mother and his father who are also married. Mr. (Dad) claims to be the head of the household. Dad is the father to the 22-year-old male and the step father to the 19-year-old female. Dad's wife is the mother of the 19-year-old female and the step mother to the 22-year-old male.

To be a separate household, would both the younger individuals have to be 22 years of age?

### ANSWER:

Yes. Based on MPP Section 63-402.14 and clarification provided in MPP Section 63-402.143, separate household status is not to be granted to an individual living with the household who is the spouse of a member of the household. Also, an individual 21 years of age or younger who lives with a parent must be considered part of the parent's household, even though married and living with a spouse, living with a child or both. Therefore, the 19 year old daughter and the 22-year-old husband cannot be a separate household per the Food and Nutrition Service (FNS) of the United States Department of Agriculture (USDA) final rule, dated October 30, 2000.

## TREATMENT OF INCOME

### QUESTION #1:

When a noncitizen who is a legal permanent resident is also an ineligible student, how is the person's income treated in the food stamp budget?

### ANSWER:

A noncitizen who is a legal permanent resident may or may not be eligible for either federal or California Food Assistance Program (CFAP) benefits. How an individual's income is handled in the FSP depends on whether the individual is an eligible food stamp household member or an excluded member or a nonhousehold member.

When any legal noncitizen applies for food stamp benefits, the CWD determines if the individual is eligible for either federal or state food stamp benefits. If the individual is determined to be ineligible for either federal or state benefits because of immigration status (i.e., ineligible noncitizen) and is also an ineligible student, the individual's income would be treated in accordance with All County Information Notice (ACIN) I-34-99, dated May 11, 1999. This ACIN provides that when an excluded household member fits two income and/or resource categories, the CWD is to use the stricter treatment of income and/or resource category, which in this case would be based on the ineligible noncitizen status. The ineligible noncitizen's income would be prorated as specified in MPP Section 63-503.442(b). However, if the individual is otherwise eligible for either federal or state benefits, but for his or her ineligible student status, the individual would be considered ineligible for benefits based on ineligible student status. The individual's income would be excluded in the food stamp budget in accordance with MPP Section 63-503.45.

**Note:** If an individual is otherwise eligible for federal or state food state benefits, but for the individual's excluded member status (e.g., IPV, drug felon, ineligible student, SSN, SSI/SSP recipient, ineligible noncitizen, etc.), the individual's income and resources would be treated in accordance with MPP Section 63-503.44.

Also, the concept of fitting two income and resource categories does not impact supplemental security income (SSI) recipients, as SSI is cashed out in California. For example, an SSI recipient who is also a drug felon would be treated as an SSI recipient. The SSI recipient's income and resources would not be considered available to the food stamp household, as specified in MPP 63-503.45.

## REPORTING OF VENDOR PAYMENTS

### QUESTION #1:

ACIN I-72-02 on “Rescission of the Requirement to Report Vendor Payments”, dated September 24, 2002, provides that food stamp households are no longer required to report vendor payments. Are households still required to report vendor payments at the time of application and recertification?

### ANSWER:

Yes. While vendor payments remain excluded income in food stamps as specified in MPP Section 63-502.2 (b), food stamp households are still required to report vendor payments at the time of application, recertification, and when they move. Please note that the new policy outlined in ACIN I-72-02 impacts reporting of changes in vendor payments (i.e., a household does not need to report changes in vendor payments during its certification period unless there is move).