STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

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

June 15, 1992

ALL-COUNTY LETTER NO. 92-59

TO: ALL COUNTY WELFARE DIRECTORS

REASON FOR THIS TRANSMITTAL

[ ] State Law Change
[X] Federal Law or Regulation Change
[ ] Court Order or Settlement Agreement
[ ] Clarification Requested by One or More Counties
[ ] Initiated by SDSS

SUBJECT: GENERAL ASSISTANCE CATEGORICAL ELIGIBILITY PROGRAM CERTIFICATION

This letter transmits the certification statement that your County's General Assistance (GA) Program meets the Federally specified criteria to consider it's recipients categorically eligible (CE) for the Food Stamp Program. We also are providing further instructions for Counties whose GA Programs do not meet the Federal criteria.

Public Law (P.L.) 101-624 provides that recipients of GA Programs which comply with established standards shall be appropriate for categorical treatment for Food Stamps. P.L. 102-237 specified that the following criteria must be met:

1) Income criteria in the GA Program must be comparable to or more restrictive than the Food Stamp Program gross income test,

2) The GA Program must provide assistance that is not limited to emergency assistance, and

3) The GA Program must provide benefits as defined in 7 CFR 271.2:

"General assistance (GA) means cash or another form of assistance, excluding in-kind assistance, financed by State or local funds as part of a program which provides assistance to cover living expenses or other basic needs intended to promote the health or well-being of recipients."

If your County's GA Program meets the criteria above, please sign the enclosed certification and send it to:

Food Stamp Program Bureau
Department of Social Services
744 P Street, M.S. 12-52
Sacramento, CA 95814

Attention: Ginger Simpson

If your GA Program does **NOT** meet the criteria, submit (to the same address listed above) a description of your GA Program containing, at a minimum, the following:

1) The type(s) of assistance provided,
2) The income eligibility limits,
3) The period for which the GA is provided, and
4) The specific criteria that your GA Program does not meet and why.

The State will submit your Program information to the Food and Nutrition Service (FNS), Western Region Office and negotiate Federal approval on a county-by-county basis.

There is a Federally mandated August 1, 1992 implementation date for GA/CE. Therefore, we are requesting that you submit the signed certification by July 1, 1992 or, if your Program does not meet the GA/CE criteria, submit your Program description as soon as possible so it can be discussed with FNS. An emergency State regulation package is in process and an effective date of August 1, 1992 is anticipated. Draft regulations are enclosed for your information.

If you have any questions, please call Ginger Simpson in the Food Stamp Policy Unit at (916) 654-1903.

MICHAEL C. GENEST
Deputy Director
Welfare Program Division

Enclosure

GENERAL ASSISTANCE CATEGORICAL ELIGIBILITY PROGRAM CERTIFICATION

Public Law (PL) 101-624 provides that General Assistance Programs which comply with established standards shall be appropriate for categorical eligibility for Food Stamps. PL 102-237 specifies that in order for a General Assistance Program to be appropriate for categorical treatment the following criteria must be met:

1) Income criteria in the GA Program must be comparable to or more restrictive than the Food Stamp gross income test,

2) The GA Program must provide assistance that is not limited to emergency assistance, and

3) The GA Program must provide benefits as defined in 7 CFR 271.2:

> "General assistance (GA) means cash or another form of assistance, excluding in-kind assistance, financed by State or local funds as part of a program which provides assistance to cover living expenses or other basic needs intended to promote the health or well-being of recipients."

If your County's GA Program meets the criteria above, please sign the certification below and send it to the Food Stamp Program Bureau, Department of Social Services, 744 P Street M.S. 12-52, Sacramento, California 95814. If your GA Program does not meet the criteria, submit a description of your GA Program containing, at a minimum, the type of assistance provided, the income eligibility limits, the period for which the GA is provided, and the specific criteria your Program does not meet and why. The State will negotiate federal approval of these County programs on a county-by-county basis.

CERTIFICATION

As Director of _____ County, I certify that the General Assistance Program meets the criteria for categorical eligibility for Food Stamp purposes.

_____

Director's Name (Please Print)

_____ _____

Director's Signature Date

RDB#

INITIAL STATEMENT OF REASONS

a) Description of the Public Problem, Administrative Requirement, or Other Condition or Circumstance the Regulations Are Intended to Address

Public Law (P.L) 101-624, Title XVII, published as Amendment No. 337 in Federal Register Volume 56, Number 233, dated December 4, 1991, provides that households in which all members are receiving General Assistance (GA) are categorically eligible (CE) for Food Stamps (FS) if the GA Program meets Federal criteria. P.L. 102-237, the Food, Agriculture, Conservation, and Trade Act Amendments of 1991, Section 902 modifies the criteria the GA Program must meet to be appropriate for categorical eligibility.

These mandates have an August 1, 1992 implementation date and are not currently provided for in State regulations.

b) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 63-013

Specific Purpose:

This section is being adopted to provide CWDs with a specific date by which the provisions contained in these regulations are to be implemented.

Factual Basis:

The adoption of this regulation is consistent with Welfare and Institutions Code Sections 10554 and 18904 and pursuant to federal regulations 7 CFR 272.1 (g)(122)(ii) and Public Law 102-237, Section 1101 (d) (1).

Section 63-102 c. (2)

Specific Purpose:

This definition is being amended to specify that, General Assistance (GA) households are being considered eligible for FS because of the household's eligibility for GA.

Factual Basis:

This amendment is in conformance with Welfare and Institutions Code Sections 10554 and 18904 and is provided for in federal regulations 7 CFR 273.2 (j)(4) and P.L. 102-237, Section 902.

Section 63-102 g. (1)

Specific Purpose:

This definition is revised to specify that GA recipients do not have to actually "receive" benefits to be considered categorically eligible. Recipients shall also include individuals authorized to receive GA benefits; individuals whose GA benefits have been suspended or recouped; and those who are entitled but are not paid because the grant is less than the minimum payable under the GA Program.

Factual Basis:

This amendment is in conformance with Welfare and Institutions Code Sections 10554 and 18904 and federal regulation 7 CFR 273.2 (j).

Section 63-301.7

Specific Purpose:

This section has some minor, nontechnical amendments to specify that only PA categorically eligible (CE) households are being addressed in this section. This will allow the addition of GA/CE provisions in a separate section to avoid confusion caused by differences in some of the CE factors. A reference is added to provide that specified GA recipients do not affect the eligibility of an otherwise CE/PA household.

Factual Basis:

This amendment is in conformance with Welfare and Institutions Code Sections 10554 and 18904, Government Code Section 11349.1, and federal regulation 7 CFR 273.2 (j)(4)(vi).

Section 63-301.8

Specific Purpose:

This section is being amended to incorporate the provisions for CE for GA households who receive benefits from GA Programs which meet federal criteria. In addition, reformatting is being done to accommodate the new provisions.

Factual Basis:

This amendment is in conformance with Welfare and Institutions Code Sections 10554 and 18904, Government Code Section 11349.1, federal regulation 7 CFR 273.2 (j)(4) and P.L. 102-237, Section 902.

c) Identification of Documents Upon Which Department is Relying

- Federal Register, Vol. 56, No. 233, dated December 4, 1991, pages 63611-13
- P.L. 102-237, Section 902
- Federal Administrative Notice 92-12, dated January 9, 1992

DRAFT

Adopt Section 63-013 to read:

63-013 IMPLEMENTATION OF CATEGORICAL ELIGIBILITY FOR GENERAL ASSISTANCE RECIPIENTS

.1 Sections 63-102 c. (2) and 63-301.7, .8 and .9, as amended herein, shall become effective August 1, 1992.

.11 Beginning August 1, 1992, the CWDs shall implement the amended or adopted provisions for all new Food Stamp applications. If for any reason the CWD fails to implement on the required date, restored benefits shall be provided, if appropriate, back to the required implementation date, the date of the food stamp application or the date the household was determined categorically eligible, whichever is later.

.12 Continuing cases shall be converted to these provisions at household request, at the time of recertification, or when the case is reviewed next, whichever occurs first. Restored benefits shall be provided back to the required implementation date, August 1, 1992.

Amend Section 63-102 c. (2) to read:

63-102 DEFINITIONS (Continued)

c. (1) (Continued)

(2) "Categorical Eligibility" means being considered eligible for food stamps, ~~in accordance with~~ as specified in Sections 63-301.6, ~~and~~ .7 and .8, because of the household's eligibility for public assistance (PA) or General Assistance (GA).

Adopt Section 63-102 g. (1)(a) to read:

g. (1) (Continued)

(a) For purposes of determining categorical eligibility, as specified in Section 63-301.82, GA recipients include individuals authorized to receive GA benefits whether or not they are actually receiving a GA payment. This includes recipients whose GA benefits have been suspended or recouped, or those who are entitled to GA benefits but are not paid such benefits because the grant is below the minimum payable under the GA Program.

Amend Sections 63-301.7, .8 and .9 to read:

63-301 APPLICATION PROCESSING TIME STANDARDS

.7 Categorically Eligible PA Households

(Continued)

.71 (Continued)

.72 When determining whether a household is to be considered PA categorically eligible, the CWD shall verify the following factors, only when questionable, as specified in Section 63-300.53.

.721 through .724 (Continued)

.73 (Continued)

.74 The following persons shall not affect the eligibility of an otherwise categorically eligible PA household:

.741 through .746 (Continued)

.747 General Assistance recipients who receive benefits from a GA Program appropriate for categorical eligibility

.75 For purposes of work registration, the exemptions specified in Section 63-407.2 shall apply to individuals in PA categorically eligible households. Any individual who is not exempt from work registration is subject to the work requirements specified in Section 63-407.

DRAFT

.8 GA Households

.81 CWDs shall advise all GA applicant households of their potential categorical eligibility for food stamp benefits and provide these households with food stamp application forms DFA 285-A1 and DFA 285-A2. GA households shall not be considered categorically eligible for food stamp benefits unless they receive, or are authorized to receive, benefits from a GA Program appropriate for categorical eligibility as specified in 63-301.822.

.811 CWDs shall allow households in which all members are applying for GA benefits to leave a signed food stamp application DFA 285-A2, which contains, at a minimum, the household's name, ~~and~~ address and signature, at the GA office. The GA office shall forward these applications that same day to the appropriate food stamp office for processing. The procedural and timeliness requirements that apply to the non-PA application process shall begin when the food stamp office receives the application. Since there may be a delay involved in the transferring of applications from GA office to food stamp offices, households shall be advised that they may receive faster service if they take the application directly to the food stamp office.

.82 Categorically Eligible GA Households

.821 Any household, except those specified in Section 63-301.824, in which all Food Stamp eligible members receive or are authorized to receive GA benefits from a GA Program which meets the following criteria, shall be considered eligible for Food Stamps because of their status as GA recipients.

(a) The GA Program must have income criteria comparable to or more restrictive than the Food Stamp gross income test; and

(b) The GA Program must provide benefits as defined in Section 63-102 g. and must not provide only one-time emergency payments; and

(c) A signed certification that the county's GA Program is appropriate for categorical eligibility is on file with the SDSS or the GA Program has been certified by FNS as an appropriate program.

.822 The eligibility factors which shall be accepted for food stamp eligibility without verification are the resource (except resource transfers); gross and net income limits; sponsored alien information; and residency.

DRAFT

.823 When determining whether a household is to be considered GA categorically eligible, the CWD shall verify:

(a) That the household contains only Food Stamp eligible members who are receiving, or are authorized to receive, GA from a GA Program appropriate for categorical eligibility.

(b) Household composition that is questionable, in order to determine that the household meets the definition of household as specified in Section 63-402 and contains no individuals disqualified as specified in Section 63-301.825.

.824 A household shall not be considered categorically eligible and is subject to all Food Stamp eligibility and benefit provisions if:

(a) The household refuses to cooperate in providing information to the CWD that is necessary for making an eligibility determination or for completing any subsequent review of eligibility;

(b) The household is disqualified because the head of household fails to comply with a work requirement as specified in Section 63-407.1;

(c) The household is ineligible under the striker provisions as specified in Section 63-402.8; or

(d) The household is ineligible because they knowingly transferred resources for the purpose of qualifying or attempting to qualify for the Program as specified in Section 63-501.6.

.825 The following individuals shall not be included as a member of an otherwise categorically eligible household if that person:

(a) Is disqualified for intentional Program violation;

(b) Is not the head of household and disqualified for failure to comply with the work requirements specified in 63-407.1

(c) Fails to provide or apply for an SSN;

(d) Is an ineligible alien;

(e) Is an ineligible student;

(f) Is an SSI recipient; or

(g) Is institutionalized in a nonexempt facility as specified in Section 63-402.4.