STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

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

REASON FOR THIS TRANSMITTAL

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

October 20, 1993

ALL COUNTY LETTER 93-82

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: IMPLEMENTATION OF CLEAN-UP IV REGULATIONS (RDB #1292-42)

REFERENCE: MANUAL SECTIONS (MS) 63-102(t)(4); 63-300.5 and .512(a)(1); 63-301.545(a); 63-402.342 and .344; 63-408 and .41(j); 63-501.3(e)(2) and .526; 63-502.149(a); 63-502.2(d); 63-503.131(b); 63-503.242(c)(2); 63-504.392(a), (b) and (c).

This letter is to inform County Welfare Departments (CWDs) of revisions to regulations that will be effective November 1, 1993.

Described below are the major provisions of these regulation changes.

Definitions (MS 63-102(t)(4))

MS 63-102(t)(4) is being revised to add the buying or selling of access devices or authorization documents to the definition of "trafficking."

Application Process (MS 63-300.5; and .512(a)(1))

MS 63-300.5 is being revised to clarify that if verification for a deductible expense is not received within the normal processing time frame, the CWD shall inform the household that the eligibility and benefit level may be determined without providing a deduction for the claimed but unverified expense.

MS 63-300.512(a)(1) is being revised to add types of verification which are acceptable for Canadian-born North American Indians to verify permanent residency status. The permanent residency status may be verified by providing birth records, affidavits from Tribal officials, INS Form I-181, or other INS documentation acceptable to the CWD.

Application Processing Time Standards (MS 63-301.545(a))

MS 63-301.545(a) is being revised to clarify that further benefits will not be issued and that the household's participation shall be terminated unless the postponed verification of residency is completed within 30 days following the date the application was filed. In addition, an exception for homeless households is being added since this requirement does not apply to homeless households as specified in MS 63-300.515(a). A homeless household meets the example of "unusual cases" and as such is exempt from providing verification of their residency.

Household Concept (MS 63-402.342 and .344))

MS 63-402.342 is being revised to clarify that boarder status cannot be granted to parents living with their natural, adopted, or stepchildren, including parents who are elderly or disabled.

MS 63-402.344 is being revised to clarify that boarder status cannot be granted to siblings living with their natural, adopted, half or stepbrothers and stepsisters, including any sibling who is elderly or disabled.

Voluntary Quit (MS 63-408 and .41(j))

MS 63-408 is being revised to specify that if a person reduces hours while continuing to work for the same employer, terminates a self-employment enterprise, or resigns at the demand of an employer, no voluntary quit has occurred. This provision is being relocated from MS 63-408.41 which lists good cause criteria for voluntarily quitting a job. Relocation of this provision to MS 63-408 is consistent with federal requirements which also place it in that portion of federal regulations where voluntary quit is defined.

MS 63-408.41(j) is being revised to remove the reference to a specific section in Title 22 of the California Administrative Code and to add a reference to the California Code of Regulations which defines adequate child care arrangements.

Resource Determinations (MS 63-501.3(e)(2), and .526, Table 1)

MS 63-501.3(e)(2) is being revised to clarify that funds in checking or savings accounts, whether maintained exclusively for business purposes or commingled with nonexcluded funds, shall be excluded from resources to the extent that the funds represent prorated self-employment income and the funds necessary to produce that income for the period of time over which the funds have been prorated.

MS 63-501.526, Table 1 is being revised to remove the designation of handbook material.

Income, Exclusions and Deductions (MS 63-502.149(a) and .2(d))

MS 63-502.149(a) is being added to clarify that HUD payments made to the landlord or mortgagee are excluded from income.

MS 63-502.2(d) is being revised to clarify that any prospectively budgeted income in the certification period which is received too infrequently or irregularly to be reasonably anticipated but not in excess of $30.00 a quarter is excluded from income.

Determining Eligibility and Benefit Levels (MS 63-503.131(b); and .242(c)(2))

MS 63-503.131(b) is being adopted to add a formula which the CWDs may use to compute benefits prorated from the date of application to the end of the month.

MS 63-503.242(c)(2) is being revised to clarify that households which derive income by contract or self-employment shall have their income averaged. However, migrant or seasonal farmworker households shall not have their income averaged.

Mass Changes in Public Assistance (MS 63-504.392(a), (b) and (c))

MS 63-504.392 (c) has been repealed since a reference to GA payments was added to MS 63-504.392(a) and (b) which now address the treatment of mass changes for all programs.

If you have any questions concerning MS 63-408 and .41(j), please contact Robert Nevins of the Employment Programs Bureau at (916) 654-1408. For all other questions regarding these revised regulations, please contact Suzanne McNamee of the Food Stamp Program Bureau at (916) 657-3815.

Sincerely,

Donna L. Mandelstam (for)

MICHAEL C. GENEST
Deputy Director
Welfare Programs Division

c: CWDA