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

September 3, 1997

ALL COUNTY LETTER NO. 97-50

TO: ALL COUNTY WELFARE DIRECTORS

REASON FOR TRANSMITTAL

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

SUBJECT: CALIFORNIA FOOD ASSISTANCE PROGRAM FOR LEGAL IMMIGRANTS

REFERENCE: ALL COUNTY INFORMATION NOTICE (ACIN) I-52-97

The purpose of this letter is to provide County Welfare Departments (CWDs) with initial information and implementation instructions for the California Food Assistance Program (CFAP) for Legal Immigrants. As noted in All County Information Notice (ACIN) I-52-97, the California State Legislature approved, and the Governor signed into law, Assembly Bill (AB) 1576 (Chapter 287, Statutes of 1997) which provides for a Food Assistance Program which will replace federal Food Stamp Program benefits to certain legal non-citizens. Those individuals eligible are adults 65 years of age or older and minors under 18 years of age who are legal resident non-citizens of the United States. Persons meeting this criteria must have been legally present in the United States prior to August 22, 1996, and must satisfy all other existing federal eligibility requirements. Effective September 1, 1997, any such individual, if determined ineligible effective August 31, 1997, for federal food stamp benefits solely due to his or her immigration status under the Personal Responsibility and Work Opportunity Act of 1996, shall be determined eligible for state-funded food stamp benefits. The state statute provides for the same benefit levels as the federal program and requires that all existing federal and state laws and regulations related to the existing federal program apply to the state program.

Under an agreement with the United States Department of Agriculture (USDA), federal food stamp coupons will be purchased for use in this program. Under the terms of this agreement, CWDs will be required to employ a system of tracking and identifying cases in which a household member is issued state-funded food stamp benefits (refer to Benefit Level Calculation section for details). The system employed at the outset of this program must be renegotiated with USDA, since their approval is for six months only. All costs related to the state-funded food stamp program will be borne by the state, including administrative and benefit costs.

EXISTING AUTHORITY AND REGULATION DEVELOPMENT

The statute provides the California Department of Social Services (CDSS) with the authority to implement the provisions of the CFAP via All County Letter. Final regulations are required to be adopted no later than July 1, 1998. The development process for these regulations will be initiated soon and will proceed using emergency regulation time frames.

ELIGIBILITY DETERMINATION AND BENEFIT LEVELS

All case budgeting and benefit level calculations, as well as all eligibility factors (other than immigration status) are to be determined using existing food stamp regulations. CWDs are to use existing application and monthly reporting forms for applicant and recipient households containing members eligible for CFAP benefits.

CONTINUING CASES

Any household member under the age of 18 or age 65 or older who received benefits in August 1997 and was discontinued effective August 31, 1997, solely due to their status as an ineligible legal non-citizen is eligible for CFAP benefits effective September 1, 1997 if they were legally present in the United States prior to August 22, 1996. CWDs are to issue October benefits to all such individuals **no later** than the household's normal October issuance date. September benefits must be issued as soon as is administratively feasible, but **no later than October 31, 1997**. All eligible household members are to receive benefits for the **entire month of September**, regardless of the date on which the CWD processes the case. Household members discontinued prior to August 31 must reapply under normal application guidelines.

APPLICANTS

Applicant household members (under the age of 18 or age 65 or older) applying for food stamps who were legally present in the United States prior to August 22, 1996, are entitled to CFAP benefits (if otherwise eligible). CWDs shall process such applications in accordance with existing application processing requirements as stated in Manual Section (M.S.) 63-300. Household members denied prior to August 31 must reapply under normal application guidelines.

COURT ORDERS

All court orders impacting the Food Stamp Program are unaffected in the application of the CFAP. Any restrictions contained in Lopez v. Espy, Saldivar v. McMahon, Jones v. Yeutter, Steffens v. McMahon and Aktar v. Anderson remain in effect.

INFORMING NOTICE (FORM FS 19)

Attachment I is form FS 19 Multilingual (8/97), which provides general information regarding the CFAP for the targeted population. CWDs must send this form to all households who have had their benefits reduced or terminated based on the ineligibility of a legal non-citizen who satisfies the criteria for the CFAP. CWDs may substitute an informational notice of their own design if such substitute provides the essential information.

NOTICES OF ACTION

CWDS are to use existing Notice of Action (NOA) regulations and existing NOAs as stated in M.S. 63-504.2 for CFAP households. Until such time that CDSS issues revised NOAs with applicable referenced citations, CWDs shall use existing NOAs and are to cite Welfare and Institutions Code Chapter 10.1, Sections 18930, 18931, 18932, 18933, and 18934 as the required authority for all related case actions. Included as Attachment II is a copy of AB 1576.

QUALITY CONTROL

Benefits issued for households containing state-only members exclusively are excluded from federal quality control sampling for the purpose of calculating error rate. However, households containing both federal and state eligible members **will** be subject to federal quality control. Related procedures are under development and information will be provided in a future transmittal.

COUPON PURCHASE AND ISSUANCE

CWDs shall order federal food stamp coupons in the amount necessary to provide CFAP benefits to eligible households. These coupons shall be issued in the same manner as federal food stamp benefits are issued. Usage of these coupons is subject to the same terms and conditions as those governing federal food stamp coupons as stated in M.S. 63-604.

CASE RECORDS

CWDs will not be required to set up separate case records for households receiving CFAP benefits. Existing files shall be maintained but **must** be flagged so as to be clearly identifiable as containing household members eligible for CFAP benefits.

BENEFIT CALCULATION TO DETERMINE FEDERAL/STATE SHARE

The methodology for determining the CFAP coupon allotment for the first six months of the program is as follows:

1. Eligibility and benefit computation will occur under current Food Stamp Program rules. State-only persons will continue to be included in the Food Stamp household for purposes of determining eligibility and benefit amount.

2. Each county will track and report the number of cases that consist of 1) mixed households (households with both Federal and state-only persons), 2) state-only households, and 3) federal-only households. In addition, person counts must also be accumulated and reported as federal or state for each type of household.

3. The allotment to the state-only household will be charged only to the state.

4. The amount of the allotment to mixed households to be charged to the state will be determined on a monthly basis as follows:

   a. For each mixed household, the county will also track by actual count, not by estimate or projections, the number of persons in each household in each category - federal eligible vs. state-only eligible. This count is identified as the federal and state-only persons count.

   b. Next, the persons count will be used to compute a state-only persons count ratio. For example, for County "A", if the total number of persons (federal eligible and state eligible) in mixed households is 1,000 and the number of state-only persons in those households is 100, the state-only persons count ratio would be 10%.

   c. Finally, this ratio will be applied to the total mixed household allotment to arrive at the amount of the state-only allotment liability. Using the example cited in the preceding bullet, the state will incur a liability of 10% of the issuance total for all mixed households in County A. If total issuance to these households were $10,000, then the amount of the state-only coupons would be $1,000.

STATISTICAL REPORTING

The following state statistical reports are impacted by the implementation of the CFAP:

- DFA 256 - Participation and Coupon Issuance Report - Food Stamp Program
- DFA 296 - Food Stamp Program Monthly Caseload Movement Statistical Report
- DFA 296X - Food Stamp Program Expedited Service Quarterly Statistical Report
- DFA 358 - Food Stamp Program Participants by Ethnic Group
- STAT 40 - Food Stamp Employment and Training (FSET) Program Quarterly Statistical Report
- DPA 266 - Fraud Activity Report
- DPA 482 - Income and Eligibility Verification Management Report

For now, CWDs should continue to follow existing statistical reporting instructions for these reports. CWDs also need to collect and maintain data that is currently not reported on these forms. CWDs now need to categorize households composed of federal-only members, federal and state members (mixed), and state-only members. Person counts must also be accumulated and reported as federal or state for each category of household previously listed. CWDs must maintain this information so that it can be reported retroactively to September 1, 1997.

The Information Services Bureau is currently working with a county work group to determine the best method for collecting and reporting this new data. Once this is determined, an ACL will be released advising CWDs of how to proceed.

FISCAL REPORTING

Until further notice, the procedure for completion of the FNS-250, Food Coupon Accountability Report is unchanged. CWDs will be provided with updated information as soon as possible.

ADMINISTRATIVE CLAIMING

With the implementation of the CFAP on September 1, 1997, CDSS will be required to separately identify related administrative costs associated with the federal and state programs. The Department is in the process of developing a methodology, subject to federal approval, that will equitably distribute these administrative costs. Further instructions will be forthcoming and incorporated within upcoming time study and claiming letters for the December 1997 quarter. It is anticipated that there will be a need to retroactively adjust the

September quarter Administrative Expense Claim. Therefore, CWDs should flag cases with CFAP eligible household members beginning September 1, in preparation for this revised cost reporting.

If you have any questions or require further program information, please contact David Badal of the Food Stamp Program Bureau, Policy Implementation Unit, at (916) 654-1405. For questions regarding Fiscal reporting, contact Janet Lopez at (916) 654-0931. For questions regarding Administrative Expense Claiming, contact your County Fiscal Analyst at (916) 657-3440. For questions regarding Statistical Reporting, contact Virginia Uchida at (916) 657-3289.

Bruce Wagstaff

BRUCE WAGSTAFF
Deputy Director
Welfare to Work Division

Attachments

IMPORTANT INFORMATION

A new state law has been signed by the Governor.

If you have any legal non-citizen members in your household who have had their food stamp benefits stopped on September 1, 1997, this may be important to you.

California now has a state-funded food assistance program for all legal non-citizens under the age of 18 or 65 or older who are not eligible for federal food stamp benefits.

If you got a notice from the county telling you that your food stamps were going to be stopped or decreased because someone in your household is not an eligible legal non-citizen, you could get state food stamps for that member, as long as that member is under the age of 18 or 65 or older.

If you have any questions, please contact your county eligibility worker.

INFORMACION IMPORTANTE

El Gobernador ha firmado una nueva ley estatal.

Esta información puede ser importante para usted si es que hay una persona no ciudadana que esté aquí legalmente y sea miembro de su grupo para fines de estampillas para comida a quien se le descontinuaron sus estampillas para comida el 1º de septiembre de 1997.

California tiene ahora un programa con fondos del estado para la asistencia en la alimentación para todas las personas no ciudadanas que estén aquí legalmente y sean menores de 18 años o tengan 65 años de edad o más que no reúnan los requisitos para recibir beneficios federales de estampillas para comida.

Si usted recibió una notificación del condado avisándole que sus estampillas para comida se iban a descontinuar o reducir debido a que alguna persona en su grupo para fines de estampillas para comida no reúne los requisitos porque es una persona no ciudadana aunque está aquí legalmente, usted puede recibir estampillas para comida para ese miembro siempre y cuando él o ella sea menor de 18 años o tenga 65 años de edad o más.

Si tiene alguna pregunta, por favor comuníquese con su trabajador de elegibilidad del condado.

(Spanish)

DỮ KIỆN QUAN TRỌNG

Một luật mới đã được Thống Đốc Tiểu Bang ký ban hành.

Nếu trong hộ của quý vị có bất kỳ thành viên nào là người nhập cư hợp lệ chưa phải là công dân mà trợ cấp phiếu thực phẩm cho những người đó đã bị ngưng vào ngày 1 tháng 9 năm 1997, thì thông báo này có thể có ảnh hưởng quan trọng đối với quý vị.

California hiện có một chương trình trợ giúp thực phẩm do tiểu bang tài trợ ngân khoản dành cho tất cả những người nhập cư hợp lệ nào chưa phải là công dân dưới 18 tuổi hoặc từ 65 tuổi trở lên hiện không hội đủ điều kiện nhận trợ cấp phiếu thực phẩm của liên bang.

Nếu quý vị đã nhận được một thông báo của Ty Xã Hội Hạt báo cho quý vị biết là trợ cấp phiếu thực phẩm của quý vị sẽ bị ngưng hay bị giảm vì có người nào đó trong hộ của quý vị là một người nhập cư hợp lệ chưa phải là công dân, quý vị có thể nhận được trợ cấp phiếu thực phẩm của tiểu bang cho người đó, miễn là người đó hiện dưới 18 tuổi hoặc từ 65 tuổi trở lên.

Nếu quý vị có điều gì thắc mắc, xin hãy liên lạc với nhân viên thẩm định ở Ty Xã Hội Hạt của quý vị.

(Vietnamese)

ពត៌មានសំខាន់

អភិបាលរដ្ឋទើបតែបានចុះហត្ថលេខានៅលើច្បាប់ផ្ទៃថ្មីមួយ ។

បើសិនជាលោកអ្នកមានសមាជិកដែលជាអ្នកចូលមកពេញច្បាប់ដែលមិនមែនជាពលរដ្ឋអាមេរិកស៊ីនៅក្នុងផ្ទះរបស់លោកអ្នក ហើយបណ្ណទិញម្ហូបរបស់គេត្រូវបានកាត់ផ្តាច់នៅថ្ងៃទី១ ខែកញ្ញា ឆ្នាំ១៩៩៧ ពត៌មាននេះគឺមានសារៈសំខាន់ណាស់ចំពោះលោកអ្នក ។

ឥឡូវនេះ រដ្ឋកាលីហ្វូរ៉ានីញ៉ាមានកម្មវិធីផ្តល់ជំនួយផ្នែកម្ហូបមួយដែលថវិការដោយរដ្ឋសំរាប់អ្នកចូលមកពេញច្បាប់ដែលមិនមែនជាពលរដ្ឋ អាមេរិកដែលមានអាយុតិចជាង១៨ឆ្នាំ ឬ៦៥ឆ្នាំឬច្រើនជាងនេះ ដែលជាអ្នកមិនមានសិទ្ធិទទួលជំនួយបណ្ណទិញម្ហូបសហព័ន្ធ ។

បើសិនជាលោកអ្នកបានទទួលលិខិត្រដែលផ្ញើមកពីខណ្ឌគំរាបថា បណ្ណទិញម្ហូបរបស់លោកអ្នកនឹងត្រូវបានបញ្ឈប់ ឬបន្ថយដោយសារតែអ្នកណាម្នាក់នៅក្នុងគ្រួសារទទួលជំនួយរបស់លោកអ្នកជាអ្នកចូលមកពេញច្បាប់ដែលមិនមែនជាពលរដ្ឋអាមេរិកដែលមិនមានសិទ្ធិទទួលជំនួយបណ្ណទិញម្ហូប លោកអ្នកអាចទទួលជំនួយបណ្ណទិញម្ហូបរដ្ឋសំរាប់សំរាប់សមាជិកនោះ ឲ្យតែសមាជិកនោះមានអាយុតិចជាង១៨ឆ្នាំ ឬ៦៥ឆ្នាំឬច្រើនជាង ។

បើសិនជាលោកអ្នកមានសំណួរអ្វីមួយ សូមជួបទាក់ទងជាមួយអ្នកធ្វើការពិនិត្យមើលភាពអាចទទួលជំនួយនៃខណ្ឌរបស់លោកអ្នក ។

(Cambodian)

重要信息

州長已經簽署了新的州政府法律。

假如在你家中有任何非公民合法居住的成員，於1997年9月1日被停止了糧食券福利，此通知會對你很重要。

加州現在有州政府資助的糧食補助計劃，發給所有18歲以下或者65歲或65歲以上的不合格於聯邦政府糧食券福利的所有非公民合法居民。

假如你從郡政府收到通知告訴你將停止或減少你的糧食券，因為你家中有人不是合乎資格的非公民合法居民，你可以為那人領取州政府的糧食券，只要那人是18歲以下或者65歲或65歲以上。

假如你有任何問題，請和你郡政府的審核工作員聯絡。

(Chinese)

Assembly Bill No. 1576

CHAPTER 287

An act to add and repeal Chapter 10.1 (commencing with Section 18930) of Part 6 of Division 9 of the Welfare and Institutions Code, relating to human services, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 18, 1997. Filed with Secretary of State August 18, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1576, Bustamante. Food assistance.

Existing law provides for the federal Food Stamp Program, under which each county distributes food stamps provided by the federal government to eligible households.

This bill would, under specified circumstances, require, effective September 1, 1997, that the State Department of Social Services establish a Food Assistance Program for legal immigrants who are 65 years of age or older or children losing eligibility for food stamp benefits due to Public Law 104-193. The provision would become inoperative July 1, 2000, and would be repealed on January 1, 2001.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Chapter 10.1 (commencing with Section 18930) is added to Part 6 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 10.1. FOOD ASSISTANCE PROGRAM FOR LEGAL IMMIGRANTS

18930. (a) Effective September 1, 1997, the State Department of Social Services shall establish a Food Assistance Program to provide assistance for adults 65 years of age or older and minors described in subdivision (b). The department shall enter into an agreement with the United States Department of Agriculture to use the existing federal Food Stamp Program coupons for the purposes of administering this program.

(b) Adults 65 years of age or older and minors under 18 years of age who are noncitizens of the United States shall be eligible for the program established pursuant to subdivision (a) if the person's immigration status meets the eligibility criteria of the federal Food Stamp Program in effect on August 21, 1996, but he or she is not

eligible for food stamp benefits solely due to his or her immigration status under Public Law 104-193. All eligible applicants shall have been legally present in the United States prior to August 22, 1996.

(c) In counties approved for alternate benefit issuance systems, that same alternate benefit issuance system shall be approved for the program established by this chapter.

18931. Any person who is eligible for federally funded food stamps shall not be eligible for assistance under this chapter.

18932. Except as otherwise provided in this chapter, the federal and state laws and regulations governing the federal Food Stamp Program shall also govern the program provided for under this chapter.

18933. Benefits provided under this chapter shall be equivalent to the benefits provided under the federal Food Stamp Program.

18934. (a) It is the intent of the Legislature to appropriate in the 1998–99 Budget Act and in the 1999–2000 Budget Act moneys for the purposes of implementing this act in at least the amount appropriated in the 1997–98 Budget Act for that purpose.

(b) This chapter shall become inoperative on July 1, 2000, and as of January 1, 2001, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2001, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 2. (a) Notwithstanding the provisions of the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the State Department of Social Services may implement the applicable provisions of this act through all county letter or similar instructions from the director for 60 days.

(b) The director shall adopt regulations, as otherwise necessary, to implement the applicable provisions of this act no later than July 1, 1998. Emergency regulations to implement the applicable provisions of this act may be adopted by the director in accordance with the Administrative Procedure Act. The initial adoption of emergency regulations and one readoption of the initial regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare. Initial emergency regulations and the first readoption of those emergency regulations shall be exempt from review by the Office of Administrative Law. The emergency regulations authorized by this section shall be submitted to the Office of Administrative Law for filing with the Secretary of State and shall remain in effect for no more than 180 days.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to continue to provide for the basic necessities of life and nutritional needs of legal immigrants in California, it is necessary that this act take effect immediately.