

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM #1 Cash Assistance Program for Immigrants Amendments

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held November 13, 2002, as follows:

November 13, 2002
Office Building # 9
744 P St. Auditorium
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by telefax to the address/number listed below. All comments must be received by 5:00 p.m. on November 13, 2002.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are attached/available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

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CHAPTERS

MPP Chapter 49-000 [Cash Assistance Program for Immigrants (CAPI)], Section 49-005 (Special Definitions), Section 49-020 (Immigration Status), Section 49-035 (Income), Section 49-037 (Sponsor Deeming), and Section 49-040 (Resources); and Chapter 80-300 (Definitions and Forms), Section 80-310 (Definitions – Forms)

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

These regulations implement and make specific the provisions of Assembly Bill (AB) 429 (Chapter 111, Statutes of 2001), which permanently extended a previously time-limited component of the Cash Assistance Program for Immigrants (CAPI), and established a 10-year sponsor-deeming period for the previously time-limited component of CAPI. This component of CAPI provides program eligibility for non-citizens who entered the United States (U.S.) on or after August 22, 1996 and either do not have a sponsor or whose sponsor is not deceased, disabled, or abusive. The provisions were not placed in regulations when they were first introduced in 1999 (Chapters 147 and 148, Statutes of 1999) because they were temporary in the initial statute. Likewise, the statutory exclusion to sponsor-deeming for persons who are victims of abuse by either the sponsor or the sponsor's spouse (also introduced in 1999) was not placed in regulations. These regulations are needed to: 1) formalize the provisions extending and expanding eligibility for immigrants who entered the U.S. on or after August 22, 1996; 2) establish the 10-year sponsor-deeming period required by AB 429 for the latter group; and 3) establish the deeming exception for immigrants who are victims of abuse. These provisions were previously implemented by all-county letters (ACLs).

These regulations are also needed to establish the indigence exception to sponsor-deeming for immigrants whose sponsor has stopped providing sufficient support to enable the immigrant to obtain food and shelter. These regulations are needed to comply with federal law and Supplemental Security Income/State Supplementary Payment (SSI/SSP) regulations, which under Welfare and Institutions Code Section 18940, govern CAPI. These regulations also change the rules for deeming of income and resources when the immigrant's sponsor is also an ineligible spouse or parent. This is also done to comply with SSI/SSP regulations.

COST ESTIMATE

1. Costs or Savings to State Agencies: The Fiscal Year 2001-02 estimate in the May 2002 revise includes \$12,128,000 for the implementation of the regulations governing the extended CAPI.
2. Costs to Local Agencies or School Districts: None.
3. Nondiscretionary Costs or Savings to Local Agencies: No fiscal impact exists because this regulation does not affect any local entity or program.
4. Federal Funding to State Agencies: No fiscal impact exists because this regulation does not affect any federally funded State agency or program.

LOCAL MANDATE STATEMENT

These regulations impose a mandate upon county welfare departments to administer the program, but not upon local school districts. Welfare and Institutions Code Section 18942 requires CDSS to reimburse the counties for the cost of actual CAPI payments and for any administrative costs actually attributable to those payments.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Sections 10553, 10554 and 18943, Welfare and Institutions Code. Subject regulations implement and make specific Sections 18938, 18940, and 18944, Welfare and Institutions Code; 20 CFR 416.1160, 416.1166a, and 416.1204; 8 U.S.C. Section 1631; and Social Security Administration's Program Operations Manual System, Sections SI 00502.240, SI 00502.280, SI 01320.910, SI 01320.915, and SI 01320.920.

CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: Anthony J. Velasquez (916) 657-2586
Backup: Robin Garvey (916) 657-2586

CDSS REPRESENTATIVE REGARDING SUBSTANCE OF THE PROPOSED REGULATION

Program Contact: Marshall Browne (916) 229-4043
Backup: Vickey Walker (916) 229-4596

AGENDA ITEM(S) FOR THIS PUBLIC HEARING - November 13, 2002

ITEM #1 ORD #0102-01 Cash Assistance Program for Immigrants Amendments

ITEM #2 ORD #0602-01 Supportive Transitional Emancipation Program (STEP)
Regulations