

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

ITEM # 2 Food Stamp Program Recertification Simplification and Statewide Fingerprint Imaging System (SFIS) Exemptions

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 14, 2007, as follows:

November 14, 2007
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 facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on November 14, 2007.

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 non-substantive, 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 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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California Department of Social Services
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CHAPTERS

CDSS Manual of Policies and Procedures (MPP), Division 63 (Food Stamps), Chapter 63-300 (Application Process), Section 63-300 (Application Process); Chapter 63-500 (Eligibility Determination), Section 63-504 (Household Certification); and Chapter 63-600 (Coupon Issuance, Use and Replacement), Section 63-601 (County Welfare Department Responsibilities).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides for the Food Stamp Program, under which each county distributes food stamp benefits to eligible households. The Food Stamp Program is designed to promote the general welfare, and safeguard the health and well-being of the nation's population by raising the levels of nutrition among low-income households. Therefore, it is necessary that CDSS be in compliance with state and federal regulations to ensure the continued service to these households.

Currently, state regulations require counties to conduct a face-to-face interview at least once every 12 months as part of the recertification process, except when a household qualifies for an exemption i.e. transportation issues or similar hardship on a case-by-case basis.

CDSS has received approval from the United States Department of Agriculture (USDA), Food and Nutrition Service (FNS) (USDA, FNS Waiver #2070014) to replace the face-to-face interview with a telephone interview. Therefore, regulations changes are necessary to implement the Department's approved waiver that allows the county the option to conduct a telephone interview in lieu of a face-to-face interview for Quarterly Reporting/Prospective Budgeting (QR/PB) households during the recertification process. This also includes elderly or disabled households at initial application. Face-to-Face interviews will be conducted if requested by the household or the CWD determines one is necessary to verify conditions of eligibility. These state regulation changes will streamline the recertification process thereby making it easier for eligible food stamp households to continue in the Food Stamp Program.

Also current state regulations at MPP Section 63-601.124 allow a household certified out-of-office to be exempt from Statewide Fingerprint Imaging System requirements. This exemption combined with the waiver of the face-to-face interview at MPP Section 63-300.45 would allow any eligible household to potentially never complete the SFIS requirement, as there is no limit to how many times a household may be certified based on telephone interviews.

This exemption is in conflict with current state law (Welfare and Institutions Code Section 10830(e)). This section specifies that every applicant for aid, recipient of aid, other than dependent children or persons who are physically unable to be fingerprint imaged, shall, as a condition of eligibility for assistance, be required to be fingerprint imaged. The out-of-office interview is not listed as an allowable exemption under current statute. These regulation changes will require that eligible households certified out-of-office still complete all necessary SFIS requirements in accordance with current State law.

COST ESTIMATE

1. Costs or Savings to State Agencies: Savings of approximately \$12,700.00 in the current State Fiscal Year.
2. Costs to Local Agencies or School Districts: None
3. Nondiscretionary Costs or Savings to Local Agencies: Savings of approximately \$5,500.00 annually.

4. Federal Funding to State Agencies: Savings of approximately \$18,150.00 in the current State Fiscal Year.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies but not upon school districts. The mandate is not required to be reimbursed pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code or Section 6 of Article XIII B of the California Constitution because implementation of the regulations will result in savings.

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

The 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 Welfare and Institutions Code Section 10553, 10554 and 18904. Subject regulations implement and make specific United States Department of Agriculture, Food and Nutrition Service Waiver #2070014.

CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

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