

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

ITEM # 1 Transitional Food Stamps and Face-to-Face Interview 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 May 19, 2004, as follows:

May 19, 2004
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 May 19, 2004.

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 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.

CONTACT: Office of Regulations Development
California Department of Social Services
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CHAPTERS

Manual of Policies and Procedures Division 63, Chapter 63-300 (Application Process), Section 63-300 (Application Process) and Chapter 63-500 (Eligibility Determinations), Section 63-504 (Household Certification and Continuing Eligibility)

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

On August 9, 2003, the Governor signed Assembly Bill (AB) 1752 (Chapter 225, Statutes of 2003). AB 1752 contains a provision requiring the state to provide a transitional food stamp benefit program. Under this statute, county welfare departments are required to provide transitional food stamp benefits to households who are terminating their participation in the CalWORKs program without the need to reestablish food stamp eligibility.

On October 9, 2003, the Governor signed AB 231 (Chapter 743, Statutes of 2003). AB 231 requires the state to screen food stamp households for face-to-face interview exemptions upon application and recertification, and to grant such exemptions when appropriate.

As a result of statutory changes, CDSS has a mandate to implement changes in the Food Stamp program as soon as possible by the emergency process.

These proposed regulations align the state regulations with the statutory changes providing transition food stamp benefits and will comply with the provisions of AB 231 by instructing counties to screen household applications for exemptions from face-to-face interviews upon application and recertification, and to grant such exemptions whenever appropriate.

COST ESTIMATE

1. Costs or Savings to State Agencies: Costs of \$41,000 for the Face-to-Face Exemption Provision (note: \$1.2 GF was included in the 2003 Budget Act for the Transitional Benefit Provision, however, these funds were proposed for elimination in the mid-year reduction proposal of the Administration in the current State Fiscal Year (SFY). It is anticipated that State agencies will request an increase in the currently authorized budget level for the SFY 2004/2005.
2. Costs to Local Agencies or School Districts: None.
3. Nondiscretionary Costs or Savings to Local Agencies: No county fiscal impact exists because the costs (\$18,000) are countable towards the County Maintenance of Effort for the CalWORKs program. However, the SGF MOE dollars must be increased to backfill this \$18,000.
4. Federal Funding to State Agencies: Additional expenditures of approximately \$59,000 in the current SFY.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies, but not school districts. There are “state-mandated local costs” in these regulations, which require federal and state reimbursement due to increased administrative costs under Section 17500 et seq. of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

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 10554, 11265.1 and 18904, Welfare and Institutions Code. Subject regulations implement and make specific Sections 18901.6 and 18901.10, Welfare and Institutions Code.

CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

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EMERGENCY STATEMENT

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with Government Code Section 11346.4.

AGENDA ITEM(S) FOR THIS PUBLIC HEARING – May 19, 2004

ITEM # 1 ORD #1003-23 Transitional Food Stamps and Face-to-Face Interview
Exemptions