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Regulation Package # 0611-04

CDSS MANUAL LETTER NO. FS-11-01

TO: HOLDERS OF THE FOOD STAMP MANUAL, DIVISION 63

Regulation Package # 0611-04

Effective 7/28/11

Section 63-402

This manual letter has been posted on the Office of Regulations Development website at <http://www.cdss.ca.gov/ord/PG2707.htm>.

The amendment shown in this manual letter is a cross reference correction in Section 63-402.226. This correction was done in response to a manual user request. Since this correction is nonsubstantive and has no regulatory effect, a public hearing was not held.

FILING INSTRUCTIONS

Revisions to all manuals are indicated by a vertical line in the left margin. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Food Stamp Manual changes was FS-09-01.

Page(s)

Replace(s)

156 and 157

Pages 156 and 157

Attachment

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63-402 HOUSEHOLD CONCEPT (Continued)**63-402****.225 Workfare Sanctioned**

Individuals sanctioned by a CWD while a participating member of household disqualified for failure to comply with the requirements of the CWD's Workfare Program operated in accordance with Section 63-407.91

.226 SSI/SSP Recipients

No person receiving Supplemental Security Income/ State Supplementary Program (SSI/SSP) payments is eligible to receive food stamp benefits. Under the provisions of PL 95-458:5; 1) most California SSI/SSP recipients receive as part of their SSI/SSP benefit a cash amount in lieu of food stamp benefits; 2) all SSI/SSP recipients in California are ineligible to receive food stamps. A person must actually receive, not merely have applied for, SSI/SSP benefits to be determined ineligible for the Food Stamp Program. If the CWD provides payments at least equal to the level of SSI/SSP benefits to persons who have been determined eligible for SSI/SSP awaiting receipt of SSI/SSP benefits, receipt of these substitute payments will terminate Food Stamp Program eligibility. Once receiving SSI/SSP benefits, the person will remain ineligible for food stamp benefits until actually terminated from the SSI/SSP Program; periods of nonreceipt or suspension of SSI/SSP payments do not restore food stamp eligibility.

.227 Ineligible Students

Persons enrolled in an institution of higher education who are ineligible because they fail to meet the eligibility criteria set forth in Section 63-406.2.

.228 Work Requirements Disqualified

Individuals disqualified for noncompliance with the work requirements of Section 63-407.4.

.229 Convicted Drug Felon

An individual who has been convicted in a state or federal court of a felony that has as an element, the distribution of a controlled substance or other disqualifying conviction consisting of any of the elements listed in Section 63-402.229(a) or (b). The conviction must be for conduct occurring after August 22, 1996. Controlled substance is defined in Section 102(6) of the Controlled Substances Act [21 U.S.C. Section 802(6)].

- (a) Unlawfully transporting, importing into this state, selling, furnishing, administering, giving away, possession for sale, purchasing for purposes of sale, manufacturing a controlled substance, possessing precursors with the intent to manufacture a controlled substance, or cultivating, harvesting, or processing marijuana or any part thereof pursuant to Section 11358 of the Health and Safety Code.

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- (b) Unlawfully soliciting, inducing, encouraging, or intimidating a minor to participate in any activity in Section 63-402.229(a).

HANDBOOK BEGINS HERE

- (c) The term "convicted" also includes a plea of guilty or nolo contendere.

HANDBOOK ENDS HERE

.3 Boarders

- .31 For Food Stamp Program purposes, boarders are defined as either, foster children as specified in Section 63-402.322, or individuals or groups of individuals residing with the household and paying reasonable compensation to the household for lodging and meals, excluding residents of a commercial boarding house. A reasonable monthly payment shall be either of the following:
 - .311 Where board arrangement is for more than two meals a day a boarder shall pay an amount which equals or exceeds the monthly coupon allotment at zero net income for the appropriate number of boarders, as specified in the Table of Coupon Issuance, Handbook Section 63-1101, or;
 - .312 Where board arrangements is for two meals or less per day a boarder shall pay an amount which equals or exceeds the two-thirds of the monthly coupon allotment at zero income for the appropriate number of boarders, as specified in the Tables of Coupon Issuance, Handbook Section 63-1101.
- .32 Boarders are ineligible to participate in the Food Stamp Program independent of the household providing the board. The household with which the boarder resides (including the household of the proprietor of a boarding house) may participate in the Program, if the household meets all the eligibility requirements for Program participation. A boarder may participate as a member of the household at the household's request. If an applicant household identifies any individual in the household as a boarder, the following provision applies:
 - .321 Such individuals shall not be considered a member of participant or applicant household, nor shall the income and resources of boarders be considered available to such households. However, the amount of payment that a boarder gives to a household for lodging and meals shall be treated as self-employment income to the household. The procedures for handling self-employment income from boarders (other than such income received by a household that owns and operates a commercial boarding house) are specified in 63-503.42. The procedures for handling income from boarders by a household that owns and operates a commercial boarding house are as specified in 63-503.41.
 - .322 Foster children placed by a federal, state, or local foster care program, in the home of relatives or other individuals or families shall be considered boarders.