



California Senior Legal Hotline/Legal Services of Northern California
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Dear County Personnel:

Our program is encouraging California seniors to apply for the SNAP (food stamp) program and assisting them when needed. In doing so, we have found that some counties are applying program rules erroneously when it comes to households with elderly or disabled members, resulting in improper denials.

1. Right to waiver of face-to-face interview – Please refer to CCDS ACL 08-32, July 14, 2008, REFERENCE: FOOD STAMP WAIVER #2070014, effective August 1, 2008:

ELDERLY/DISABLED HOUSEHOLDS

- ▶ *Counties may conduct a telephone interview in place of a face-to-face interview at initial certification and at recertification for those households in which all adult members are either elderly or disabled regardless of the type or source of the household's income. The need for documentation of hardship will not be required for these cases. However, counties are reminded that a face-to-face interview must be conducted in the following circumstances: 1) when requested by the household or the household's authorized representative; 2) when the county determines it is necessary to verify conditions of eligibility; 3) when the client is in the office submitting an application and wishes to complete the interview; or 4) at recertification if the household has not complied with SFIS requirements.*

2. No gross income test – Please refer to 7 C.F.R. § 273.10(e)(2)(i)(A):

- ▶ *Households which contain an elderly or disabled member as defined in §271.2 shall have their net income, as calculated in paragraph (e)(1) of this section (except for households considered destitute in accordance with paragraph (e)(3) of this section), compared to the monthly income eligibility standards defined in §273.9(a)(2) for the appropriate household size to determine eligibility for the month.*

Compare to 273.10(e)(2)(i)(B), which applies the gross income test to non-aged/disabled households:

- ▶ *In addition to meeting the net income eligibility standards, households which do not contain an elderly or disabled member shall have their gross income, as calculated in accordance with paragraph (e)(1)(i)(A) of this section, compared to the gross monthly income standards defined in §273.9(a)(1) for the appropriate household size to determine eligibility for the month.*

In living situations where some aged or disabled members are able and choose to be in a separate food stamps household, **the aged/disabled unit has no gross income test** but the standard gross income limit (130 percent of FPG) applies to the remaining (non-aged/disabled) group.

Refer also to California state regulation MPP § 63-409.112:

- ▶ *The CWD shall determine the eligibility of households with a member who is elderly or disabled [as define in Section 63-102(e)] based on the maximum net income eligibility standards reproduced in Handbook Section 63-1101. These standards shall apply if a household contains a member who is 59 years old on the date of application but who will become 60 before the end of the month of application. This eligibility determination shall be made in accordance with Sections 63-503.322 or .323, as appropriate.*

***Thank you for your attention and for helping us to better serve California seniors.
Please feel free to contact our office if you have any questions.***