

31. California Food Assistance Program (CFAP)



31.1 Overview [63-102, 63-1436]

The California Food Assistance Program (CFAP) is a state only food assistance program. All noncitizens who meet the federal definition of a qualified noncitizen are eligible for CFAP, if otherwise eligible.

When an application is made for CalFresh, eligibility for CFAP MUST be explored.

Note:

An application for CalFresh is an application for both federal food assistance program, which is known as the Supplemental Nutrition Assistance Program (SNAP) and CFAP. If a household (HH) chooses to withdraw their application, the HH must do so for both SNAP and CFAP benefits due to the household composition rules. If a household is eligible for SNAP and CFAP benefits, the HH can NOT choose to accept one and refuse the other.

CFAP uses SNAP benefits under a purchase agreement with the United States Department of Agriculture (USDA).



31.2 CFAP Requirements [63-403]

A noncitizen is CFAP eligible if he/she meets the following criteria. He/she:

1. Is a qualified noncitizen [\[Refer to “Qualified Noncitizens \[63-405.1\],” page 14-6\]](#), AND
2. Is NOT eligible for SNAP SOLELY due to their noncitizen status, AND
3. Meets all existing federal eligibility requirements (such as income, property, etc.) EXCEPT for the SNAP noncitizen criteria and work requirements, AND
4. Meets the CFAP work requirements.

California Food Assistance Program (CFAP)**Example:**

A father applies for CalFresh on 02/07/06 for himself and his 6-year son. They entered the United States on 08/19/04 as sponsored noncitizens. The father does not meet the requirements to be federally eligible.

NOTE: His 5-year waiting period, before he becomes federally eligible, will not end until 08/19/09. Since he is a “Qualified Noncitizen”, but does not meet the criteria to be federally eligible, he is eligible for CFAP.

REMINDER: Since the child is under 18 he is federally eligible and EXEMPT from the sponsor deeming requirements.



31.3 Deeming of Sponsor’s Income and Resources

Eligible CFAP noncitizens who are sponsored are subject to the federal deeming rules and exemptions with certain modifications (see below).

[\[Refer to “Sponsored Noncitizens,” page 14-23 and “Sponsored Noncitizens,” page 22-25.\]](#)

Reminder:

EWs must carefully determine the status of all noncitizens who have entered the United States, on or after 12/19/1997, to determine if the individual is sponsored and therefore subject to the sponsor deeming regulations.

31.3.1 CFAP Deeming Period

For sponsored noncitizens with the new affidavit of support (I-864), used on or after December 19, 1997, the period of deeming of the sponsor’s income and resources for CFAP is THREE years from the date of the execution of the affidavit of support, instead of the longer federal requirement established by the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). [\[Refer to “Sponsored Noncitizens,” page 14-23 for the Federal Deeming Period.\]](#)

31.3.2 Abusive Sponsor/Sponsor’s Spouse

Noncitizens whose sponsor and/or sponsor’s spouse is abusive to the noncitizen are exempt from deeming.

Verification of Abuse

A sworn statement of abuse (i.e. CSF 2) by a victim is sufficient along with evidence of abuse.

Note:

A sworn statement may be made by a representative of the victim only if the victim is unable to make a sworn statement (e.g. a minor child, mentally incompetent adult, etc.). Otherwise, the victim must sign the statement.

Evidence of abuse includes, but is not limited to, the following:

- Police, government agency, or court records or files;
- Documentation from a domestic violence program, legal, clinical, medical, or other professional from whom the applicant or recipient has sought assistance in dealing with abuse;
- A statement from any other individual with knowledge of the circumstances that provided the basis for the claim; or
- Physical evidence of abuse.

If the victim cannot provide evidence of abuse, then a sworn statement is sufficient if the county determines that the individual's statement is credible. This determination of credibility **MUST** be documented in the **Maintain Case Comments** window to establish eligibility.



31.4 Work Requirement [63-411]

A work requirement is added for all CFAP participants which is as follows:

31.4.1 CalWORKs Recipient

Qualified noncitizens who are also RECEIVING aid under CalWORKs are required to satisfactorily participate in self-sufficiency activities. This requirement is met if the individual is exempt from or complying with Employment Services.

California Food Assistance Program (CFAP)**31.4.2 Non-CalWORKs Recipient**

Qualified noncitizens who are NOT receiving aid under CalWORKs are subject to the SNAP work registration requirements. All of the federal work registration requirements, exemptions and sanctions apply including voluntary quit, failure to comply with the work rules of another program, ABAWD rules, etc.

Note:

Due to the informing requirement, the CFAP sanction provisions are to be applied only for acts committed on or after November 1, 1999.

[\[Refer to “Work Registration,” page 27-1 and “Able Bodied Adults Without Dependents \(ABAWDs\) - Work Requirement,” page 28-1\]](#)

Another Program’s Work Sanction

When a CFAP individual is sanctioned by another program (e.g. CalWORKs, UIB, RCA/ECA) for failure to meet the work requirements of that program on or after November 1, 1999, follow federal procedures to determine whether or not to disqualify the individual for CalFresh. [\[Refer to “Failure to Comply with CalWORKs Employment Services \(CWES\) or with UIB/EDD,” page 27-18 and “Failure to Comply with a Substitute Program’s Work Requirements,” page 27-19\]](#) for details.

If the noncitizen is DISQUALIFIED for CalFresh, then:

- Do NOT apply the Failure to Comply with Another Program’s rules.
- Treat the income, resources, and expenses of the individual as a work sanctioned person rather than as a non-citizen (i.e., Use ALL income, resources, and expenses).

If the noncitizen is NOT disqualified for CalFresh, then:

- Apply the Failure to Comply with Another Program’s rules (i.e., count the grant the household would receive if the person was not sanctioned).

Note:

When a CFAP individual becomes federally eligible (i.e. becomes a naturalized citizen, has 40 quarters, etc.), all previous CFAP work disqualifications are disregarded. A CFAP work sanction is NOT considered an instance of non-compliance in determining the minimum length for subsequent FEDERAL recipient work disqualifications.



31.5 Eligibility [63-300, 63-403]

Except for noncitizen status, ALL factors of eligibility for CFAP are the same as in SNAP, unless specifically stated otherwise. Some of the factors of eligibility include:

- Gross/Net Income Tests
- Allotments
- Residence
- Household Composition Rules
- Income
- Income Exemptions
- Deductions
- Budgeting
- Adding/Deleting persons
- Resources
- Lost Benefits/Overissuances
- Certification Periods



31.6 Notices of Action (NOAs)

In addition to the SNAP manual sections, ALL NOAs to household's containing CFAP individuals must include the CFAP regulations citations.



31.7 CFAP Decision Chart

To determine whether a noncitizen meets the noncitizenship requirement for the California Food Assistance Program (CFAP), refer to the following chart.

Step	Action
1.	<p>Is the individual a qualified noncitizen? [Refer to “Qualified Noncitizens [63-405.1].” page 14-6.]</p> <p>If NO, stop here. The individual is NOT CFAP eligible.</p> <p>If YES, go to step 2.</p>
2.	<p>Is the individual NOT eligible for SNAP SOLELY due to his/her noncitizen status?</p> <p>If NO, stop here. This individual is NOT CFAP eligible.</p> <p>If YES, go to step # 3.</p>
3.	<p>Does the individual meet all the SNAP requirements (i.e. property, income, etc.) except for the noncitizen and work requirements?</p> <p>If NO, stop here. This individual is NOT CFAP eligible.</p> <p>If YES, go to step # 4.</p>
4.	<p>Does he/she meet the CFAP work requirement?</p> <ul style="list-style-type: none"> • For CalWORKs recipients, exempt from or complying with Employment Services. • For Non-CalWORKs recipients, exempt from or complying with the federal work registration requirements. <p>If NO, this individual is NOT CFAP eligible.</p> <p>If YES, this individual is CFAP eligible.</p>

Reminder:

When a CFAP determination is completed and the person is NOT CFAP eligible, a denial notice of action (NOA) must be sent.