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CHIEF EXECUTIVE OFFICE
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Chief Executive Officer

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June 20, 2012

To: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

LEGISLATIVE STRATEGY TO OVERCOME REGULATIONS REQUIRING THE SENDING OF PAPER MAIL TO HOMELESS DPSS PARTICIPANTS (ITEM NO. 5, AGENDA OF MARCH 6, 2012)

On March 6, 2012, the Board instructed the Chief Executive Officer (CEO) in collaboration with the Department of Public Social Services (DPSS), to develop a legislative strategy to overcome any Federal/State regulations and/or law, which requires DPSS to send paper mail to homeless participants and instead enable DPSS to send electronic mail to homeless participants, provided that DPSS shall provide paper copies to homeless participants who come to a DPSS office to receive their mail.

In response to the Board's motion, DPSS contacted the United States Department of Agriculture - Food and Nutrition Services (USDA-FNS). After a thorough explanation of the County's situation, USDA-FNS evaluated the policy and replied (see attached), informing DPSS that notices to homeless participants may be held at the District Office and printed on demand when a homeless participant does not provide a mailing address. Subsequently, the California Department of Social Services concurred with USDA-FNS. In light of these developments, we recommend that the County not pursue legislation, as a non-legislative solution was identified.

Although this motion focused on the General Relief and CalFresh programs, our Office is working with DPSS and County Counsel to assess the impact of discontinuing mailed correspondence to homeless participants in all DPSS programs. Additionally, following

the Board's motion, during public comment, DPSS was also asked to work with Public Counsel Counsel relative to this process. DPSS is also exploring the use of email for homeless participants, in conjunction with continuing to offer homeless participants the option of having notices printed when they visit the District Office to pick-up mail. We estimate that this will result in savings of $390,000 annually.

Our Office will work with DPSS and County Counsel to develop and execute an implementation plan within 60 days.

If you have any questions, or require additional information, please contact Antonia Jiménez at (213) 974-7365, or via email at ajimenez@ceo.lacounty.gov.

WTF:AJ
DS:JAB:ljp

Attachment

c: Executive Office, Board of Supervisors
County Counsel
Public Social Services

USDA

May 25, 2012

SNAP-6-1

United States
Department of
Agriculture

Food and
Nutrition
Service

Western Region

90 Seventh St.
Room 10-100
San Francisco, CA
94103

Ms. Linda Patterson, Chief
CalFresh Branch
Department of Social Services
744 P Street, MS 8-9-32
Sacramento, CA 95814

Dear Ms. Patterson:

This correspondence provides an informal opinion from the Food and Nutrition Service (FNS) Western Region Office (WRO) on methods of delivering notices to homeless Supplemental Nutrition Assistance Program (SNAP) applicants and recipients with no fixed mailing address. This opinion was originally provided to the Department of Social Services in April 2012, via electronic mail, in response to an inquiry from Los Angeles County.

If you have questions regarding the informal opinion, please contact Hope Rios, hope.rios@fns.usda.gov .

Sincerely,

Lisa B. Kim

LISA B. KIM, Chief
Program Operations and Quality Control
Supplemental Nutrition Assistance Program
Western Region

USDA is an equal opportunity provider and employer.

Informal Opinion

Subject: Methods of delivering notices to homeless applicants and recipients with no fixed mailing address

Background: Los Angeles County asked if federal SNAP regulations require mailing notices through the US postal service if the notices are for those that use the local social service office to receive mail. The local office is used for homeless persons as a mail delivery point.

Question: Are State agencies required to issue notices by U.S. mail if the notice is to be held and delivered at the local office?

Short Answer: Applicants and participants can determine what mailing address is used for their SNAP notices and mail. The household may also opt to receive mail by e-mail under the terms of an FNS-approved waiver. If the client does not provide a usable mailing address and does not opt to use e-mail notices (for State's with an approved waiver), the State agency should deliver written notices at the local office. Written notices need not be sent to the local office by U.S. mail, but may be otherwise delivered or may be printed on demand.

Authority (citations):

Statutory:

Section 3(n)(5): "(5) For the purposes of this subsection, the following persons shall not be considered to be residents of institutions and shall be considered to be individual households: ....(D) Residents of public or private nonprofit shelters for individuals who do not reside in permanent dwellings or have no fixed mailing addresses, who are otherwise eligible for benefits."

Regulatory:

Section 273.2(a) "Operation of food stamp offices and processing of applications —(1) *Office operations.* State agencies must establish procedures governing the operation of food stamp offices that the State agency determines best serve households in the State, including households with special needs, such as, but not limited to, households with elderly or disabled members, households in rural areas with low-income members, homeless individuals, households residing on reservations, households with adult members who are not proficient in English, and households with earned income (working households). The State agency must provide timely, accurate, and fair service to applicants for, and participants in, the Food Stamp Program. The State agency cannot, as a condition of eligibility, impose additional application or application processing requirements."

273.2(g)(1): "If an application is approved, the State agency shall provide the household with written notice of the amount of the allotment and the beginning and ending dates of the certification period."

273.3(a): "The State agency shall not require an otherwise eligible household to reside in a permanent dwelling or have a fixed mailing address as a condition of eligibility."
274.2(a): "Those households located in rural areas or comprised of elderly or disabled members who have difficulty reaching issuance offices, and households which do not reside in a permanent dwelling or of a fixed mailing address shall be given assistance in obtaining an EBT card. State agencies shall assist these households by arranging for the mailing of EBT cards to them, by assisting them in finding authorized representatives who can act on their behalf, or by using other appropriate means."

Background Information: Los Angeles County is seeking to avoid the mailing costs of mailing notices for homeless clients who receive their mail at the local office. The Board of Supervisors passed a motion on March 6, 2012 providing that the local agency seek policy authority to not use the U.S. mail system for mailing notices and to instead use an electronic mail system.

Guidance is requested on whether State agencies that hold notices in hard copy at the local office for homeless clients must mail the notice to the local office by U.S. mail or may otherwise deliver the notice to the local office. The State does not currently have an FNS-approved waiver to use electronic mail for notification of notices that might be accessed through a State's secure system. It is our understanding that the local offices would continue to provide mail service for households that did not furnish a mailing address. There is no SNAP requirement for a household to visit the local office frequently to check for any mail. As an example, the local office cannot mandate that homeless persons visit the local office weekly to see if notices have been delivered.

Response and Analysis: The Act and the rules clearly provide that households with no fixed mailing address are otherwise eligible. While the Food and Nutrition Act and the program rules require written notice be given to applicants and recipients in order to meet a number of program notification requirements, there is no specific requirement that written notices be delivered by the United States Postal Service. The State is required to mail applications to applicants when requested. State agencies have broad responsibility to meet the needs of special populations, including homeless clients or those with no fixed mailing address. With FNS-approved waivers, States may issue notices by e-mail to household that opt to receive notices by email. However, States may not require use of electronic mail.

Since receiving SNAP mail and notices, and receiving EBT cards are of vital importance to the well being of households, the household itself must determine what mailing address is used. These addresses may include shelters, non-profit organizations, friends or relatives, or electronic mail addresses when directed by the household with State approved waivers. If the household does not name a usable mailing address or opt to use an electronic mail address (with State approved waivers), the State agency should deliver benefits and written notices via the local office.

Printed notices may be delivered to the local office by internal mail, or available by electronic means to be printed on demand. Should a household neither furnish a usable

mailing address nor opt to receive e-mail notices, the State can still arrange to deliver written notices at the local office by printing them on demand and thus avoid storing and sorting paper copies. The State agency should clearly explain its system to deliver notices to clients who opt for this method. For clients who opt to receive notices at the local office, printing on demand would not require an FNS-approved waiver.