

Title 25. Department of Housing and Community Development

Enterprise Zone Regulations

Subchapter 21. Enterprise Zone Program

Amend Section 8431 as follows:

§8431. Definitions.

The following definitions shall apply to this Subchapter. Unless the context clearly requires otherwise, terms not defined herein shall have the meanings set forth in Chapter 12.8 of Division 7 of the Government Code, commencing with Section 7070, or Revenue and Taxation Code Sections 23622.7 and 17053.74, as amended from time to time. References to code sections refer to the sections of these regulations unless otherwise noted.

(a) "Act" shall mean Chapter 12.8 (commencing with Section 7070) of Division 7 of Title 1, Government Code.

(b) "Certificate" or "voucher" means the certification described in subdivision (c)(1) of Revenue and Taxation Code Sections 17053.74 and 23622.7. This document shall contain all the information required by Section 8450.3(b) in a format provided by the Department.

(c) "Department" means the Department of Housing and Community Development.

(d) "Enterprise Zone" or "zone" means the same as defined in subdivision (d) of Government Code Section 7072.

(e) "Enterprise Zone Manager" or "zone manager" means the person or position designated by an enterprise zone governing body to administer its enterprise zone program, including the issuing of vouchers.

(f) "Memorandum of Understanding" or "MOU" means an agreement between an enterprise zone and the Department identifying the start date of tax credits in the zone, listing the terms and conditions that the zone must fulfill during the life of the zone, and any amendments thereto including, but not limited to, any terms and conditions for compliance with any audit agreement.

(g) "Qualified Employee" means a "qualified employee" as defined in subdivision (b)(4)(A) of Revenue and Taxation Code Sections 17053.74 and 23622.7.

(h) "Remittance Form" means the form described in subsection (b) of Section 8433.

(i) "Voucher" means the same as "Certificate."

Note: Authority Cited: Sections 7086 Government Code; Sections 17053.74(c)(1) and 23622.7(c)(1), Revenue and Taxation Code. Reference: Sections 7072, 7076, 7076.1, and 7086, Government Code; Sections 17053.74(c) and 23622.7(c), Revenue and Taxation Code.

Adopt a new Article 14. Enterprise Zone Administration and Issuance of Vouchers.

Article 14. Enterprise Zone Administration and Issuance of Vouchers.

Adopt § 8449. Applicability.

(a) With respect to the application for and issuance of vouchers, the provisions of this Article shall apply to voucher applications submitted after the effective date of these regulations and vouchers issued pursuant to such applications.

(b) Notwithstanding subdivision (a), the provisions of this Article shall not apply to voucher applications, and vouchers issued pursuant thereto, for employees hired prior to July 1, 2000, which are based on an employee's eligibility for or receipt of services under the federal Job Training Partnership Act.

Adopt § 8450. Definitions. The following definitions shall apply to this Article 14 only. Unless noted otherwise or the context otherwise requires, the term "Subdivision," for purposes of this Article, refers to the same subdivision of both Revenue and Taxation Code Section 17053.74 and Revenue and Taxation Code Section 23622.7.

(a) "Applicant" means a "taxpayer" as defined in subdivision (b)(4)(B)(5) of Revenue and Taxation Code Sections 17053.74 and 23622.7.

(b) "Application" means an application for a voucher, which shall contain the information required by Section 8450.3(a) and the documentation required by Section 8450.5 in a format provided by the Department.

(c) "Conflict of interest" means that it is reasonably foreseeable that a decision that a zone manager, zone staff, or third party entity as permitted by subdivision 8450.2(a)(7) participates in or influences will have a material financial effect, distinguishable from its effect on the public generally, on the zone manager, zone staff, or third party entity, a member of his or her immediate family, or a business entity in which the zone manager, zone staff, or third party entity is directly or indirectly involved.

(d) “Economically disadvantaged individual” or “economically disadvantaged youth” means an individual who is at least 14 years of age, and resides in a household with a total family income not exceeding the very low income category adjusted for family size and location, as set forth in the latest edition of the Income Limits published periodically by the Department pursuant to CCR Title 25, Section 6932, or in the latest edition of the Section 8 Income Limits published periodically by the U.S. Department of Housing and Urban Development. For purposes of this subdivision, “family” means two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories: (i) A husband, wife, and dependent children; (ii) A parent or guardian and dependent children; (iii) A husband and wife. The employee’s income shall be verified by the providers of the income or by third party entities. Verification shall include the following information in a format provided by the department:

1. Name of the employee
2. Name, address and telephone number of the income provider or the third party entity verifying the income information, and the signature of the person who filled out the form.
3. Date of verification, which shall be no earlier than 90 days prior to the filing of the voucher application
4. The form of income verified (hourly wages, salary, interest, pension, public assistance, self-employment, social security, unemployment compensation, or identified other)
5. The amount of income paid to the employee immediately preceding the date of verification (i.e., within the preceding 90 days)
6. The employee’s signed certification, if applicable, of self-employment income, or of no income.

(e) “Ex-offender” means an individual who has been convicted of a felony or a misdemeanor offense punishable by incarceration, or a person charged with a felony offense or a misdemeanor offense punishable by incarceration but placed on probation by a state court without a finding of guilt. “Ex-offender” does not include an individual whose record has been expunged.

(f) “Household” means one or more persons who occupy a single dwelling unit.

(g) “Immediately preceding” means within the previous 90 days.

(h) “Long-term unemployed” means current and continuous unemployment lasting for 15 weeks or more.

(i) “Veteran” means an individual who served in the active military, naval, or air service of the United States.

Note: Authority Cited: Sections 7086 Government Code; Sections 17053.74(c)(1) and 23622.7(c)(1), Revenue and Taxation Code. Reference: Sections 7072, 7076, 7076.1, and 7086, Government Code; Sections 17053.74(c) and 23622.7(c), Revenue and Taxation Code.

Adopt § 8450.1 Designation of Zone Manager and Staffing.

- (a) Each enterprise zone governing body shall designate an enterprise zone manager and shall notify the Department, in writing, of its designee. If the zone manager is not an employee, department, or agency of the city, county, or city and county in which the enterprise zone is located, the governing body shall enter into a written agreement with the zone manager requiring, at a minimum, compliance with this Article 14.
- (b) The governing body of each zone shall ensure that its zone is budgeted or staffed at a level that will ensure compliance with the voucher program requirements of this Article 14.
- (c) The enterprise zone governing body shall not reduce the budget or staff allocation of its zone manager from the levels indicated in its current MOU without prior written approval from the Department.

Note: Authority Cited: Section 7086 Government Code; Sections 17053.74(c)(1) and 23622.7(c)(1), Revenue and Taxation Code. Reference: Sections 7076, 7076.1 and 7086, Government Code; Sections 17053.74(c)(1) and 23622.7(c)(1), Revenue and Taxation Code.

Adopt § 8450.2. Administration of a Vouchering Program.

(a) Each enterprise zone shall have and maintain a vouchering plan containing policies and procedures for the operation of a vouchering program. The plan shall meet the following criteria:

- (1) The plan shall have written vouchering policies and procedures that ensure compliance with Revenue and Taxation Code Sections 17053.74 and 23622.7, Government Code Section 7070 et seq., California Code of Regulations title 10, chapter 7.8 commencing with Section 5600, and this subchapter 21.
- (2) The plan shall require any Applicant requesting a voucher to provide documentary evidence to substantiate that the employee for whom a voucher is requested satisfied immediately preceding the commencement of employment, the requirements of subdivision (b)(4)(A)(iv) of Revenue and Taxation Code Sections 17053.74 or 23622.7 as a qualified employee.
- (3) The plan shall require the zone manager and zone staff to retain and keep confidential a copy of each voucher application received and each voucher issued and their supporting documentation. These records shall include the date the application was received, whether the application was

approved or denied, and a statement signed by the zone manager of the basis for the decision on each voucher application. Unless otherwise required by law these records shall be accessible only to the zone manager and zone staff, the zone governing body, the Franchise Tax Board, the Department, and Applicants (or their designees) who may access only their own applications. All applications and voucher records shall be maintained for a minimum of five years from the date an application for a voucher is received.

- (4) The plan shall require the zone to certify that the zone manager, zone staff, and any third party entities designated pursuant to subdivision (a)(7) of this section, are free of any conflicts of interest with Applicants or with the zone's obligations to objectively evaluate and process applications.
- (5) The plan shall require the zone to certify that vouchering policies and procedures are administered consistently.
- (6) The plan shall include an annual affirmative marketing procedure to make businesses aware of the opportunities to participate in the enterprise zone program and of the vouchering plan.
- (7) A zone governing body may designate a third party entity to process voucher applications if the plan expressly provides for this designation and the third party entity enters into a written agreement with the zone, which agreement requires compliance with this Article 14 and the third party entity certifies that it is free of any conflict of interest as defined in this Article. The zone shall keep copies of all vouchers and applications processed by a third party.

(b) Zone managers shall apply to the Department for allocations of voucher numbers, and shall sequentially number vouchers issued using numbers in the allocation provided.

(c) Notwithstanding the designation by an enterprise zone governing body of an enterprise zone manager, or of a third party entity to process voucher applications, the enterprise zone governing body shall remain responsible for compliance with the requirements of this Article 14.

(d) Compliance with this Article 14 shall be evaluated as part of any Department audit of an enterprise zone program.

Note: Authority Cited: Section 7086 Government Code; Sections 17053.74(c)(1) and 23622.7(c)(1), Revenue and Taxation Code. Reference: Sections 7076, 7076.1, 7085 and 7086, Government Code; Sections 17053.74(c)(1) and 23622.7(c)(1), Revenue and Taxation Code.

Adopt § 8450.3. Content of an Application and a Voucher.

(a) A voucher application shall contain all of the following:

- (1) Employee's name, home address, telephone number (if applicable), social security number or other identifying number approved by the Department, job title, date of commencement of employment, starting hourly wage or salary, whether the employee was hired into a new position or an existing position, and date of termination if no longer employed by the Applicant.
- (2) Employer's name, address, address of business location in the zone if different, telephone number, e-mail address (if applicable) and federal tax identification number.
- (3) Identification of the "qualified employee" eligibility category under which the Applicant is applying. For purposes of this Article, "eligibility category" means the specific Revenue and Taxation Code subdivision under which the employee qualifies (e.g., 17053.74(b)(4)(A)(iv)(IV)(bb), 23622.7(b)(4)(A)(iv)(VII)(cc), or 23622.7(b)(4)(A)(iv)(IX)).
- (4) All of the Information and documentation required by Section 8450.5.
- (5) A statement by the Applicant, stating that it provided the priority for employment required by subdivision (b)(4)(B) of Revenue and Taxation Code Sections 17053.74 and 23622.7.
- (6) A statement by the Applicant that it is engaged in a trade or business within the zone.

(b) A voucher shall contain all of the following:

- (1) The name of the enterprise zone issuing the voucher, and the address, phone number, and e-mail address of the zone manager at the zone office.
- (2) The employee's name, home address, telephone number (if applicable), e-mail address if available, social security number or other identifying number approved by the Department, date of commencement of employment, and date of termination if no longer employed by the Applicant.
- (3) The Applicant's name, Applicant contact name, address, address of business location in the zone if different (if applicable), telephone number, e-mail address (if applicable) of the appropriate contact person, and federal tax identification number.
- (4) The "qualified employee" eligibility category under which the voucher is being issued.
- (5) The name and signature of the zone manager and the date of issuance.

Note: Authority Cited: Section 7086 Government Code; Sections 17053.74(c)(1) and 23622.7(c)(1), Revenue and Taxation Code. Reference: Sections 7076 and 7086, Government Code; Sections 17053.74(c)(1) and 23622.7(c)(1), Revenue and Taxation Code.

Adopt § 8450.4. Issuance of a Voucher.

(a) An enterprise zone manager shall issue a voucher if all of the following criteria are satisfied:

(1) The voucher is requested by an eligible Applicant

(2) The voucher application contains all the information required by Sections 8450.3(a) and 8450.5.

(3) The voucher application demonstrates that the employee meets the eligibility requirements of Subdivision (b)(4)(A)(iv).

(b) After the zone termination date, the zone manager may continue to issue vouchers for applications for qualified employees who are employed by the Applicant within the enterprise zone within the 60-month period prior to the zone expiration date, provided that the criteria in subdivision (a) are satisfied. If the zone manager of the local government administering the enterprise zone is no longer issuing vouchers, an Applicant may request a voucher from the local county or city WIA administrative entity, or the local county Work Opportunity Tax Credit office or social services agency, who may issue vouchers for applications for qualified employees who are employed by the Applicant within the enterprise zone within the 60-month period prior to the zone expiration date, provided that the criteria in subdivision (a) are satisfied.

Note: Authority Cited: Section 7086 Government Code; Sections 17053.74(c)(1) and 23622.7(c)(1), Revenue and Taxation Code. Reference: Sections 7076 and 7086, Government Code; Sections 17053.74(c)(1) and 23622.7(c)(1), Revenue and Taxation Code.

Adopt § 8450.5. Acceptable Documentation.

(a) To demonstrate that an employee is a qualified employee under Subdivision (b)(4)(A)(iv)(I), (b)(4)(A)(iv)(II), or (b)(4)(A)(iv)(XI), the Applicant shall provide one of the following documents pertaining to the employee's status immediately preceding commencement of employment with the Applicant:

(1) A document issued by the local CalWORKS administrator stating that the employee was eligible for CalWORKS.

(2) A document issued by the local WIA case manager or administrator stating that the employee is enrolled in, or eligible for, WIA Intensive Services or Core B.

(3) A document issued by the Work Opportunity Tax Credit or successor program's "designated local agency" (as defined in Internal Revenue Code Section 51(d)(15)) stating that the employee was a member of a targeted group, as defined in Internal Revenue Code Section 51(d), or its successor.

(b) To demonstrate that the employee is a qualified employee as an economically disadvantaged individual under Subdivision (b)(4)(A)(iv)(III), the Applicant shall provide:

- (1) An official identification card or other document issued by the federal government or any state or local government that shows the employee's age or date of birth, and indicates that the employee is at least 14 years of age; and
- (2) Documentation that, immediately preceding the commencement of employment with the Applicant, the employee was an economically disadvantaged individual or economically disadvantaged youth as defined in subdivision 8450(d).

(c) To demonstrate that, immediately preceding the commencement of employment with the Applicant, the employee is a qualified employee as a dislocated worker under Subdivision (b)(4)(A)(iv)(IV)(aa), the Applicant shall provide at least one item from each of subdivisions (1), (2) and (3) below:

- (1) To document that an employee has been terminated, laid off, or received a notice of termination or layoff:
 - (A) Copy of a termination notice or other company documentation of employee's termination or layoff.
 - (B) Employer or union representative letter identifying the employee's termination date.
 - (C) Photocopy of printed media article or announcement, including the name and date of the publication, describing the layoff, along with a copy of the employee's last payroll check prior to hire by the Applicant.
 - (D) Separation or Termination Report, or equivalent, signed by the employee's former employer.
 - (E) Document showing that the employee is eligible for or has exhausted entitlement to unemployment insurance benefits as specified in subdivision (c)(2) below.
- (2) To document that the employee is eligible for or has exhausted entitlement to unemployment insurance benefits:
 - (A) Unemployment insurance records.
 - (B) Statement by an Unemployment Insurance representative.
- (3) To demonstrate that the employee is unlikely to return to his or her previous industry or occupation:
 - (A) Screen print of California Employment Development Department Labor Market Information Division screens that indicates limited opportunities for employment in the same or similar occupation such that the employee is unlikely to return to that occupation.
 - (B) Doctor's statement indicating employee's inability to return to previous industry/occupation due to physical limitations.
 - (C) Vocational rehabilitation counselor's statement indicating the employee's inability to return to previous industry/occupation due to physical limitations.
 - (D) Other third-party documentation that demonstrates the unavailability of similar employment in the employee's previous industry or profession.

(d) To demonstrate that, immediately preceding the commencement of employment with the Applicant, an employee is a qualified employee as a dislocated worker under Subdivision (b)(4)(A)(iv)(IV)(bb) due to plant, facility, or enterprise closure, the Applicant shall provide at least one item from each of subdivisions (1) and (2) below:

(1) To document that there has been a permanent plant, facility, or enterprise closure or substantial lay off:

(A) Bankruptcy documents, if declared under Chapter 7, Title 11 U.S.C., Notice of Foreclosure or a similar document provided by a financial institution when such document clearly shows that a closure or mass layoff will occur as a result of its issuance.

(B) Copy of a printed media article/announcement, including the name and date of the publication, describing the closure/mass layoff.

(C) Statement from the employer or the union representative.

(D) Statement from the employer's bank official, attorney, supplier, or accountant.

(E) WARN (Worker Adjustment and Retraining Notification Act) notice.

(2) To document that an employee has been terminated, laid off, or received a notice of termination or layoff, the Applicant shall provide one of the following documents verifying that the employee was employed at the plant, facility, or enterprise identified in (d)(1) above:

(A) Copy of a notice of termination or layoff or other company documentation of employee's termination.

(B) Employer or union representative letter identifying the employee's termination date.

(C) Separation or Termination Report, or equivalent, signed by the employee's former employer.

(D) Evidence that the employee is or was employed by the plant, facility, or enterprise identified in subdivision (d)(1).

(E) WARN notice.

(e) To demonstrate that an employee is a qualified employee as a dislocated worker under Subdivision (b)(4)(A)(iv)(IV)(cc) as long-term unemployed and has limited opportunities for employment or reemployment in the same or a similar occupation in the area in which the individual resides, the Applicant shall provide at least one item from each of subdivisions (1) and (2) below:

(1) To document that the employee is long-term unemployed, one of the following dated at least 15 weeks prior to commencement of employment with the Applicant:

(A) Proof of receipt of unemployment benefits for at least 15 weeks prior to commencement of employment or proof that unemployment benefits were exhausted.

(B) Unemployment insurance verification (benefits records).

(C) Unemployment insurance award letter with claim history.

(D) Workers Investment Act Displaced Worker Unit Verification.

(E) Statement by an Unemployment Insurance representative.

(F) Documentation that qualifies the employee as a dislocated worker under subdivision (c) or as a dislocated worker due to plant, facility, or enterprise closure under subdivision (d) showing long-term unemployment for at least 15 weeks prior to commencement of employment.

(2) To document that the employee has limited opportunities for employment or reemployment in the same or a similar occupation:

(A) Screen print of California Employment Development Department Labor Market Information Division screens that indicates limited opportunities for employment or reemployment in the same or similar occupation.

(B) Doctor's statement indicating employee's inability to return to previous industry/occupation due to physical limitations.

(C) Vocational rehabilitation counselor's statement indicating the employee's inability to return to previous industry/occupation due to physical limitations.

(D) Other third-party documentation that demonstrates the unavailability of similar employment in the employee's previous industry or profession.

(f) To demonstrate that, immediately preceding the commencement of employment with the Applicant, an employee is a qualified employee as a dislocated former self-employed worker under Subdivision (b)(4)(A)(iv)(IV)(dd), the Applicant shall provide a combination of the following or other documents sufficient to demonstrate that the employee previously was self-employed and was unemployed prior to the commencement of employment due to economic conditions in the community or due to natural disaster:

(1) Bankruptcy documents listing both the name of the business and the employee's name.

(2) A business license or permit listing the employee's name.

(3) Copy of articles of incorporation or documentation of dissolution for the business listing the employee as an owner.

(4) Prior year's income tax return.

(g) To demonstrate that, immediately preceding the commencement of employment with the Applicant, an employee is a qualified employee under Subdivision (b)(4)(A)(iv)(IV)(ee) as a dislocated civilian employee of the Department of Defense employed at a military installation being closed or realigned under the Defense Base Closure and Realignment Act of 1990, the Applicant shall provide a copy of the employee's termination notice and either a copy of a media article or announcement describing the layoff or closure, or an employer or union representative letter describing the layoff or closure.

(h) To demonstrate that, immediately preceding the commencement of employment with the Applicant, an employee is a qualified employee under Subdivision (b)(4)(A)(iv)(IV)(ff) as a dislocated worker who was an active member of the armed

forces or National Guard as of September 30, 1990, and was involuntarily separated or separated pursuant to a special benefits program, the Applicant shall provide one of the following documents demonstrating that the employee meets the above qualifications:

- (1) Report of separation or discharge from the armed services or the National Guard.
- (2) Veterans Administration documentation.
- (3) Verification by State Veterans Agency.

(i) To demonstrate that, immediately preceding the commencement of employment with the Applicant, an employee is a qualified employee under Subdivision (b)(4)(A)(iv)(IV)(gg) as a dislocated worker due to seasonal unemployment, the Applicant shall provide one of the following documents demonstrating that the employee was a seasonal or migrant worker:

- (1) Documentation of employee's migrant employment in a seasonal occupation.
- (2) Employer or union representative letter describing seasonal layoff in employee's seasonal occupation.
- (3) Copies of termination notices identifying employer and employee.
- (4) Copies of employee's pay stubs identifying seasonal employer.

(j) To demonstrate that, immediately preceding the commencement of employment with the Applicant, an employee is a qualified employee under Subdivision (b)(4)(A)(iv)(IV)(hh) as a dislocated worker due to Clean Air Act compliance, the Applicant shall provide a copy of the employee's termination notice and either a photocopy of a media article or announcement describing the reason for the layoff, or an employer or union representative letter stating that compliance with the Clean Air Act was the reason for the layoff.

(k) To demonstrate that, immediately preceding the commencement of employment with the Applicant, an employee is qualified as a disabled individual under Subdivision (b)(4)(A)(iv)(V), the Applicant shall provide the documentation required either by (1) or (2):

- (1) The Applicant shall provide one of the following documents demonstrating that the employee was disabled and is eligible for, enrolled in, or has completed a state rehabilitation plan:
 - (A) Physician's statement.
 - (B) Rehabilitation plan.
 - (C) Vocational rehabilitation letter.
 - (D) Verification by state or federal rehabilitation counselor.
 - (E) Letter from a state drug or alcohol rehabilitation agency.
 - (F) Medical records.
 - (G) Social Security Administration disability records.
 - (H) Social Service records/referral.
- (2) The Applicant shall provide one of the following documents demonstrating that the employee is a service-connected disabled veteran:
 - (A) DD-214 Defense Department Report of Separation.

(B) Veterans Administration documentation.

(C) Verification by State Veterans Agency.

(l) To demonstrate that an employee is a qualified employee under Subdivision (b)(4)(A)(iv)(V) as a Vietnam era veteran or a veteran recently separated from military service, the Applicant shall provide one of the following documents demonstrating that the employee meets the above qualifications:

(1) Report of separation or discharge from the armed services or the National Guard.

(2) Veterans Administration documentation.

(3) Verification by State Veterans Agency.

For purposes of this subdivision, "recently separated" means within 48 months preceding commencement of employment with the qualified taxpayer; and the term "Vietnam era veteran" means a veteran any part of whose active military service occurred between August 5, 1964, and May 7, 1975.

(m) To demonstrate that an employee is a qualified employee as an ex-offender under Subdivision (b)(4)(A)(iv)(VI), the Applicant shall provide one of the following documents verifying that immediately preceding commencement of employment the employee was an ex-offender as defined in subdivision 8450:

(1) Court documents.

(2) Letter of parole.

(3) Letter from probation officer.

(4) Police records.

(5) A copy of a background check report or independent court records report showing the employee as an ex-offender as defined in subdivision 8450(e), signed by a background checking business or independent court records business, licensed and/or certified if required by California or federal law.

(6) Other government document verifying ex-offender status, such as a letter from the Board of Prison Terms, or a letter from the Governor's Office.

(n) To demonstrate that an employee is a qualified employee under Subdivision (b)(4)(A)(iv)(VII) as a recipient of, or eligible for, public assistance, the Applicant shall provide one of the following documents verifying that the employee was receiving, or was eligible to receive, the assistance immediately preceding the commencement of employment:

(1) Public assistance award letter.

(2) Benefit printout.

(3) Current food stamp identification card or award letter.

(4) Social Security Insurance award letter or check stub.

(5) Refugee Cash Assistance.

(6) Verification by Department of Social Services.

(7) Written statement from county welfare office or telephone verification by zone manager.

(8) Public assistance records/printout.

(o) To demonstrate that an employee is a qualified employee under Subdivision (b)(4)(A)(iv)(VIII) as a Native American, Native Samoan, Native Hawaiian, or member of another group of Native American descent, the Applicant shall provide one of the following documents:

(1) Native American tribal record document.

(2) Certified Degree of Indian Blood (CDIB) card, issued by the Bureau of Indian Affairs.

(3) Documentation that the employee is a Native Samoan, Native Hawaiian, or a member of another group of Native American descent.

(p) To demonstrate that an employee is a qualified employee under Subdivision (b)(4)(A)(iv)(IX) as a resident of a targeted employment area ("TEA"), as defined in Section 7072 of the Government Code, the Applicant shall provide a copy of the officially listed TEA address range and one of the following documents, verifying that the employee resided in a TEA immediately preceding the commencement of employment:

(1) Form I-9, U.S. Department of Justice, Immigration and Naturalization Service.

(2) Driver's license or State Identification Card.

(3) Landlord statement.

(4) Lease or rental agreement.

(5) Utility bill.

Note: Authority Cited: Section 7086 Government Code; Sections 17053.74(c)(1) and 23622.7(c)(1), Revenue and Taxation Code. Reference: Sections 7076 and 7086, Government Code; Sections 17053.74(c)(1) and 23622.7(c)(1), Revenue and Taxation Code.

Adopt § 8450.7. Voucher Appeals.

Appeal of a denial of a voucher application shall be made in accordance with the provisions of this Section.

(a) All appeals shall be in writing and shall include the following information:

(1) Name and address of the business, and, if applicable, the business's representative for the purposes of the appeal;

(2) Signature of the business or the business's authorized representative;

(3) Narrative discussion of why the denial should be reversed and any additional information or documentation not previously provided in support of the application; and,

(4) A copy of all denial notices.

(b) A denial issued by a zone manager may be appealed to the zone manager within 60 calendar days of the date of the denial. The zone manager shall respond to the appeal, with a final decision in writing, within 60 calendar days of receipt of the

appeal. The zone manager's final decision shall set forth the basis for the zone manager's decision to accept or reject the appeal and shall be sent to the Applicant and the Department.

(c) A final decision by a zone manager denying an application may be appealed to the Department within 30 calendar days of the date of the final decision by the zone manager. The Department shall have 90 calendar days from receipt of an appeal from an Applicant to issue a written response granting or denying the appeal.

(d) The decision of the Department shall be final, shall be rendered in writing, and shall be sent to the Applicant, the Applicant's authorized representative) if applicable, and the zone manager. If the Department grants the appeal, the zone manager shall issue a voucher to the appealing party.

Note: Authority Cited: Section 7086 Government Code; Sections 17053.74(c)(1) and 23622.7(c)(1), Revenue and Taxation Code. Reference: Sections 7076 and 7086(d), Government Code; Sections 17053.74(c)(1) and 23622.7(c)(1), Revenue and Taxation Code.