

Supplemental Nutrition Assistance Program (SNAP) Benefits Training

Healthy food, healthy you.

DEPARTMENT OF TRANSITIONAL ASSISTANCE



NonFinancial Eligibility Standards Special Situation Household

**Commonwealth of Massachusetts
Department of Transitional Assistance
Division of Policy, Program and External Relations
Training Unit**

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➔ **Today's Objectives**

At the conclusion of this training you will be able to:

- **IDENTIFY** the goal of the SNAP and understand how the program is administered;
- **DEFINE** the rights and responsibilities of the applicant/recipient;
- **IDENTIFY**, define, and verify the nonfinancial eligibility standards in order to determine if an applicant is eligible or ineligible for the SNAP;
- **IDENTIFY** eligible, ineligible, and non-Assistance Unit members so the SNAP case can be correctly determined.

➔ Overview of Program

The Goal of the Supplemental Nutrition Assistance Program (SNAP) (360.010)

The purpose of the SNAP is to **raise the nutritional level** of low income households whose limited food purchasing power contributes to hunger and malnutrition.

Administration (360.020)

- Supplemental Nutrition Assistance Act of 1977
- Regulated by the United States Department of Agriculture (USDA)
- Administered by the Massachusetts Department of Transitional Assistance

SNAP Benefits may be used to purchase:

- Eligible foods
- Seeds
- Plants

What cannot be purchased:

- Toiletries (Examples, Toilet Paper, Q-Tips, Soap etc)
- Cups, Plates, Napkins
- Prepared Food
- Alcohol, tobacco, lottery, and firearms

Special Uses of SNAP Benefits:

- Communal Dining (elderly/disabled Housing)
- Meals on Wheels
- Residents of Drug/Alcohol Treatment Centers
- Residents of Group Living Arrangements
- Shelters for Battered Women and their Children
- Residents at Teen Parent Living Programs (TLPs)
- Homeless Households
- Some Farmer's Markets








➔ **SNAP Benefits Applicant and Recipient Rights**

Applicants/Recipients have Rights to:

- request a SNAP application form by telephone, in writing or in person and have the application mailed or provided the same day as the request;
- file an application on the same day they contact the Department in person, by telephone, fax, internet or in writing;
- have an application accepted immediately; (An application is sufficient as long as the form contains the following information: the applicant's name, address (if any), signature, and date.)
- designate an authorized representative member to act on behalf of the household in applying/recertifying, obtaining SNAP benefits, or purchasing food;
- conduct a home visit or telephone interview, if elderly or disabled and there is no one to act as an authorized representative;
- receive SNAP Benefits electronically through EBT (if eligible) or a letter of denial with a specific reason (if not eligible) by Day 30 following the application date;
- receive SNAP Benefits electronically through EBT no later than 7 calendar days following the date of application, if eligible for expedited service;
- receive fair and equal treatment regardless of age, sex, race, color, disability, religious creed, national origin, or political beliefs;
- be notified in advance if SNAP benefits are to be reduced or stopped due to changes in circumstances;
- examine his or her case file at any time and be provided with a copy of SNAP rules;
- request an appeal; and
- have an interpreter.

➔ **Nonfinancial Eligibility Requirements Manual Citations**

The following requirements must be met by SNAP Applicants/Recipient

Eligibility Requirement	Manual Citations
Identity (Primary Applicant) 	361.610(G)
Social Security Number 	362.500 (D)
Residency 	362.100
Elderly/Disabled 	362.210(B)(I)
Citizen /NonCitizen Status 	362.200 - 362.240 et seq.
Student Status 	362.400
Work Requirements 	362.300 - 362.340 et seq.

Identity

Definition	Verification	Manual Citations
<ul style="list-style-type: none"> Must be verified by the applicant and any authorized representative applying on behalf of the household (HH). 	<p>Identity may be verified through documentary evidence that is readily available to the applicant or representative. These include, but <u>are not</u> limited to:</p> <ul style="list-style-type: none"> ▶ birth certificate ▶ work or school I.D. ▶ driver’s license ▶ health benefit I.D. ▶ voter registration card ▶ wage stubs verified by SVES in an overnight batch process <p>*Only one of these documents need to be provided</p>	<p><u>identity</u> : 361.610(G) <u>verification of</u>: 361. 610(G) <u>documentary evidence</u> : 361.640(A)</p>

- Any documents which reasonably establish identity must be accepted, and no requirement for a specific type of document may be imposed. In the absence of documentary evidence, identity shall be verified by collateral contact in accordance with 106 CMR 361.640.
- The electronic validation of the applicant’s Social Security Number through the State Verification and Exchange System (SVES) is an acceptable verification of identity for expedited purposes.

Examples of meeting the identity requirement:

- Susan is the grantee of the Household (HH). She applies for SNAP Benefits and provides a driver’s license and a birth certificate.
- Phil has recently been released from prison and is applying for SNAP Benefits. The only verification that he has is an old school I.D. and release papers from prison.



➔ **Social Security Number**

Definition	Verification	Manual Citations
<ul style="list-style-type: none"> Must be provided by all case members 	<p>Acceptable verification of an SSN or application for an SSN shall be:</p> <ul style="list-style-type: none"> ▶ each HH member's Social Security Number which can be provided either orally or in writing ▶ verification from Social Security Administration (SSA) that he or she has applied for an SSN or applied to have an already existing SSN validated (Enum-2) ▶ verified by SVES in an overnight batch process 	<p><u>social security numbers:</u> 362.500 <u>verification of:</u> 362.500(B)</p>

- Each HH member not meeting the SSN requirements without good cause (362.500 [C]) shall be considered a disqualified non-household member in accordance with 365.520
- An otherwise eligible non-household member disqualified for failing to meet the SSN requirements becomes eligible upon meeting the requirements
- Social Security Numbers are verified by:
 - Computer match with SSA (SSA sources include BENDEX, Numident, & SDX)
 - Written communication from SSA verifying that applicant/recipient has applied for an SSN or to have an already existing SSN validated (362.500 [B] [2])

➔ Permanent Verifications - SNAP

The following is a list of SNAP eligibility information that needs to be verified only once, unless questions are raised about the validity of the original verification, or the Department has reason to believe that a change has or may have occurred for which re-verification is required:

- **Date of birth;**
- **Application for a Social Security number (SSN); and**
- **Identity.**

Avoiding Oververification:

- It is important to remember that if a client has already provided a permanent verification, case managers must not require the client to provide this verification again, unless questionable.
- To be considered questionable the information on the application/reevaluation must be inconsistent with statements made by the client, with other information on the application/reevaluation/recertification or previous applications, or with other information known or reported to the Department.

Important: If a physical case record is not readily available at the time of application, reevaluation or recertification, but an eligibility factor is listed as having already been verified on BEACON, it does not need to be reverified.

The client is not required to provide this information again.

➔ **Residency**

Criteria	Verification	Manual Citation
<ul style="list-style-type: none"> • Clients need to be residing in Massachusetts. • There is no residency duration required • The residency requirement must be met by all applicants and recipients 	<p>Multiple verifications accepted:</p> <ul style="list-style-type: none"> • Current rent receipt, lease or deed • Mortgage statement, • Landlord Verification form • Shared Housing Verification Form • Voter registration card • Written statement from the person with whom the client is living • Utility Bill <p>*Only one of these documents need to be provided</p>	<p>361.610 (H) and 362.100 through 362.120</p>

Some examples of meeting the residency requirement:

- José lives alone. He submits a signed landlord verification form verifying his address, his rent amount, and his utility bills. He also submits his current oil and electric bills. José has proven residence and meets the residency requirement.
- Mary’s only utility payment is for the telephone. The phone bill verifies her current address. Mary has proven residence and meets the residency requirement.

➔ Elderly / Disabled Definitions

Elderly Definition

- An individual is elderly, if he or she is 60 years of age or older

Example: Don Jackson is 68 years old and resides alone.

Disabled Definition

- An individual is disabled, if he or she:
 - receives SSI or RSDI disability or blindness payments,
 - receives State Supplemental payments (SSP) to SSI,
 - receives disability retirement benefits from a government agency,
 - receives disability-related medical assistance under Title XIX of the Social Security Act (MA-DA),
 - is a (100%) disabled veteran, surviving disabled spouse of a veteran or surviving disabled child of a veteran,
 - receives a Railroad Retirement disability annuity and qualifies for Medicare,
 - has been approved by DES as meeting the SSI disability criteria,
 - Noncitizens on EAEDC because they are elderly who are certified as disabled in accordance with procedures in Field Operations Memo 2008-28 “Food Stamp Disability Verification for Elderly Noncitizens Receiving EAEDC”.

Example One: Robert Jamison no longer works. He now receives RSDI disability benefits.

Example Two: Sarah Moore is receiving TAFDC as an exempt grantee with a severe disability as verified by DES.

➔ **Qualified Noncitizens**

Eligible Noncitizens

To receive SNAP benefits, a noncitizen must be a **Qualified Noncitizen** and, in certain instances, also meet a **specific condition** that grants them eligibility for SNAP.

Eligible due to INS status

- **A**sylees
- **C**uban/Haitian Entrants
- **A**merasians
- **R**efugees
- **D**eportation Withheld

Eligible when meet certain eligibility criteria

- Legal Permanent Residents (LPR)
- Conditional Entrants
- Parolees
- Battered Noncitizens

➔ Eligible due to INS Status**Qualified Noncitizens who are eligible due to their INS status**

- **Asylees** present in the U.S. under **section 208** of the INA;
- **Cuban/Haitian Entrants** present in the U.S. as Cuban/Haitian entrants (as defined in **section 501(e)** of the Refugee Education Assistance Act of 1980);
- **Amerasians** (noncitizens from Vietnam) present in the U.S. as Amerasian immigrants (as defined in section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1988);
- **Refugees** present in the U.S. under **section 207** of the INA, and;
 - Victims of Severe Forms of Trafficking (as defined in 106 CMR 362.240[e]) are treated as Refugees; (See Appendix B-2 item 8)
 - Iraqi and Afghan noncitizens with special immigrant status are also treated as refugees. These immigrants are eligible for SNAP benefits provided they meet all other eligibility criteria. (See *Field Operations Memo 2010-19*)
- **Deportation Withheld** noncitizens present in the U.S. under **section 243 (h)** of the INA.

➔ **Qualified Noncitizens who must meet certain eligibility criteria**

Qualified Noncitizens who must meet certain eligibility criteria	
<p>Legal Permanent Residents (LPR) Criteria I-7</p>	<p>1. Were 65 or older on 8/22/96 and lawfully residing in the U.S.; or</p> <p>2. Are currently disabled as defined by SNAP; or</p> <p>3. are under 18 years of age; or</p>
<p>Conditional Entrants under section 203(a) (7) of the INA Criteria I-5</p>	<p>4. Have resided in the U.S. as a Qualified Noncitizen for five years; or</p> <p>5. Are veterans or active duty personnel (includes spouse, widow, or unmarried dependent child(ren)); or (See Appendix B-3 item 11)</p>
<p>Parolees who were paroled as a Refugee or Asylee under section 212(d) (5) of the INA for at least one year Criteria I-5</p>	<p>6. Were adjusted to LPR status from a former status of Refugee (including Victims of Severe Forms of Trafficking - See Appendix B-2 item 8), Asylee, Deportation Withheld Noncitizen, Cuban/Haitian, or Amerasian; or</p> <p>7. LPRs who can establish 40 Qualifying Quarters worked by a combination of:</p>
<p>Battered Noncitizens who satisfy the criteria found at 106 CMR 362.220(B) (8) (a) through (d) inclusive when they have proof of the battering Criteria I-5</p>	<ul style="list-style-type: none"> ▪ The noncitizen; ▪ His/her parent(s) (worked before the noncitizen turned 18, even if the child was not in the US); and/or ▪ The spouse of the noncitizen (worked during the marriage); ▪ If the Noncitizen remains married to (or is widowed by) the spouse, the quarters can still be claimed. Divorce results in forfeiture of the ex-spouse’s quarters.

➔ Qualifying Quarters LPR(s)

- A quarter of coverage is any calendar quarter (Jan 1- Mar 31; Apr 1- June 30; July 1- Sept 30; or Oct 1 - Dec 31) in which an individual has earned a specified amount of wages or can be credited with a specified amount of self employment income.
- LPR'S who can establish 40 Qualifying Quarters worked by a combination of :
 - The noncitizen;
 - His/her parent(s) (worked before the noncitizen turned 18, even if the child was not in the US); and/or
 - The spouse of the noncitizen (worked during the marriage);
 - If the Noncitizen remains married to (or is widowed by) the spouse, the quarters can still be claimed. Divorce results in forfeiture of the ex-spouse's quarters.
- Noncitizens may use qualifying quarters from certain foreign countries. (See *Field Operations Memo 98-15*)
- The case manager must ask the LPR claiming SNAP eligibility how many years the noncitizen, the noncitizen's spouse, and the noncitizen's parents (before the noncitizen's birth, up to the noncitizen turning 18) collectively lived in this country and earned money through work (or worked in foreign countries listed in F.O. Memo 98-15). *
- Pending verification of the claimed 40 qualifying work quarters, applicants shall be eligible for SNAP benefits for up to SIX months.
- Subsequent to 12/31/96, no quarter during which the noncitizen received benefits under a federal means-tested program (e.g., **TANF, SSI, SNAP**, etc.) may be credited toward the total.
- Qualifying Quarters can include non-Title II earnings (i.e., when social security taxes were not withheld).

***Note:** AU Managers have access to the Quarters of Coverage History System (QCHS) through SSA for matching LPRs claiming SNAP eligibility based on qualifying quarters. See Field Operations Memo 98-15 for completion of the SSA-512 form, Request to Resolve Questionable Quarters of Coverage, the SSA-7008, Request for Correction of Earnings, and the SSA 513. QCHS records will not include the current year's earnings, last year's earnings or self-employment if the record has not been processed by SSA.

➔ **Citizenship and Noncitizenship Overview**

Citizens and Noncitizen Status Overview		
Criteria	Verification	Manual Citation
An individual must be: a U.S. citizen	<ul style="list-style-type: none"> • Birth Certificate • Baptismal record • U.S. passport • Hospital records • Voter registration • Naturalization record 	<u>Citizenship:</u> 362.200 362.250 <u>Acceptable verifications:</u> 362.210 (A)
Noncitizen who qualifies as : <ul style="list-style-type: none"> • Asylees • Cuban/Haitian Entrants • Amerasians • Refugees • Victims of Trafficking • Iraqis and Afghans (with special immigrant status) • Deportation Withheld • Legal Permanent Residents • Conditional Entrants • Parolees • Battered Noncitizens 	<ul style="list-style-type: none"> • INS I - 94 stating entrance status • INS I-151 and I-551 • Court records stating citizenship 	<u>Noncitizen groups:</u> 362.220 <u>Acceptable verifications for noncitizen status:</u> 362.220(C) <u>Verifying qualifying work quarters:</u> See Field Ops. Memo 98 - 15
Special Category <ul style="list-style-type: none"> • Canadian-born or Mexican-born Indians • Members of Hmong and Highland Laotian Tribes 	<ul style="list-style-type: none"> • for Canadian or Mexican born Indians Verification listed in 362.230(B) 	<u>Canadian or Mexican born Indians</u> 362.230 <u>Members of Hmong and Highland Laotian Tribes</u> 362.235

➔ Legal Noncitizens Ineligible for SNAP

Legal Noncitizens Ineligible for the SNAP:

- Refers to persons who are legal noncitizen immigrants not described in 362.220(B) (e.g., LPRs not currently eligible, PRUCOLS, Work Authorized, etc.). These persons, eligible for SNAP before welfare reform have their income, assets and expenses treated in accordance with 365.520(B) and 364.600(C). **Their assets are counted in their entirety, but a portion of their income is prorated to the remaining household members. The calculation is explained in 364.600(C) as follows:**

For households containing both federal Supplemental Nutrition Assistance Program (SNAP) members and legal noncitizens ineligible for federal SNAP benefits, the Department will:

(1) Step One: Calculate SNAP benefits using all household members, all income and full deductions to determine the maximum SNAP benefits the household would be entitled to if all members were federally-eligible.

(2) Step Two: Calculate the SNAP benefits for SNAP members excluding the income and deductions of legal noncitizens ineligible for SNAP benefits.

(3) Step Three: Compare the results from Step One and Step Two.

(a) If the Step Two amount exceeds or is equal to the Step One amount, the Department will pay the Step One amount as the SNAP benefit.

(b) If the Step Two amount is less than the Step One amount, the Department will pay the Step Two amount as the SNAP benefit.

Undetermined Noncitizens

Undetermined Noncitizen Status *:

- (e.g., nonimmigrant, undocumented, etc.) A noncitizen who is unable or unwilling to provide Immigration Status information and/or SSN due to immigration status does not need to do so. This noncitizen will be ineligible for SNAP benefits. However, the remaining members of the household may apply for benefits. These persons have their income, assets and expenses counted in accordance with 106 CMR 365.520(A). **Their assets and income are counted in their entirety to the remaining household members.** (See FOM 2004-34 TAFDC and Supplemental Nutrition Assistance Processing Guidelines for Noncitizen Applications)

***Important:** Remind applicants during the application process (during alienage and/or SSN questions) that even if they are not personally eligible for benefits due to their alien status, other family members may still receive benefits.

Once an individual indicates an inability or unwillingness to provide verification of immigration status, all efforts to obtain documentation regarding immigration status must cease. Likewise, when asking for Social Security Number information, if an applicant indicates an inability or unwillingness to provide, or apply for, an SSN due to immigration status, further efforts to obtain documentation regarding the SSN shall cease.

➔ Exercise: Noncitizens

- 1) Hans Selye, his wife and their two children age 10 and 8 (LPRs) are applying for SNAP Benefits. They obtained their green cards by Diversity lottery (status granted date 12/21/09). They emigrated from Iceland. The entire family is eligible for SNAP Benefits.

TRUE

FALSE

- 2) Carlos Ramirez, his wife Rosa and their three children (ages 8, 11, and 18) were admitted as Legal Permanent Residents in 2009. They are applying for SNAP today and do not have 40 work quarters. They are not eligible themselves, but two of the three children can now receive SNAP benefits.

TRUE

FALSE

- 3) Viktor Boesky and his new bride Anna of two months are Legal Permanent Residents. Viktor has **33** Title II work quarters. Anna has **6** Title II work quarters and can claim **4** more quarters earned by her mother before Anna turned 18. Anna is eligible for SNAP Benefits and Viktor is ineligible.

TRUE

FALSE

- 4) Naomi Umbota is applying as a Battered noncitizen for herself and her 8 year old daughter. She entered this country on 12-28-2009 from Liberia. She has verified that she has a Form I-130 petition (filed by her husband), and she also meets the other requirements to qualify as a battered noncitizen. She is eligible for SNAP Benefits.

TRUE

FALSE

- 5) The income of a PRUCOL noncitizen is treated differently from that of an undocumented noncitizen when determining eligibility and benefit level of SNAP Benefits for the eligible members of the Assistance Unit.

TRUE

FALSE

➔ **Student Rule and Definition**

Student Rule

A student shall be ineligible to participate in SNAP unless he or she meets one of the Student Eligibility Requirements.

Student - Definition (362.400)

A student is an individual aged **18 through 49** who is enrolled at least half-time in:

- an institution of post-secondary education;
- a vocational or technical school at any level;
- a program that provides for completion of a secondary school diploma or the equivalent;
- a school at any level for the physically or mentally handicapped.

Student definition does not apply to persons who:

- are mentally or physically unfit for employment;
- attend high school;
- participate in OJT;
- are enrolled in ESL (English as Second Language);
- are enrolled full-time in schools and training programs that are not institutions of higher education.

➔ **Other Student Definitions**

Institution of Post-Secondary Education - Definition (362.400)

- An institution of post-secondary education is any public or private educational institution that admits persons who are beyond the age of compulsory school attendance in the state in which the institution is located or normally requires a high school diploma or equivalency certificate for enrollment.
- The institution must be legally authorized or recognized by the state to provide an educational program beyond secondary education in the state or to provide a training program that will prepare students for gainful employment. This includes but is not limited to colleges, universities, and correspondence schools.

Continuous Enrollment - Definition (362.410)

- The enrollment status of a student begins on the first day of the school term of the institution. Such enrollment continues through normal periods of class attendance, vacation and recess unless the student graduates, is suspended or expelled, drops out, or does not intend to register for the next normal school term (excluding summer school).
- Student status can be verified with the EDUC - I form which is to be filled out by the institution.

➔ Student Eligibility Requirements

To be eligible to participate in SNAP, a student must meet at least one of the following requirements:

- Be employed at least 20 hours per week or be employed for 20 hours per week averaged monthly and be paid for the employment, or, if self-employed, be employed for a minimum of 20 hours per week or be employed for 20 hours per week averaged monthly and receive weekly earnings at least equal to the federal minimum wage multiplied by 20 hours;
- Participate during the school year in a federally-funded work-study program (financed at least partially under Title IV-C of the Higher Education Act of 1965) or a state-funded work-study program;
- Be responsible for the care of a dependent household member under the age of six;
- Be responsible for the care of a dependent household member who has reached the age of six but is under the age of 12 for whom adequate child care is not available to enable the student to attend school and work a minimum of 20 hours per week, or participate in a federally-funded or state-funded work-study program during the regular school year;
- Be receiving TAFDC;
- Be assigned to or placed in an institution of higher learning through:
 - a program under the Workforce Investment Act (WIA);
 - a program under Section 236 of the Trade Act of 1974;
 - an employment and training program under the Food and Nutrition Act; or
 - an employment and training program operated by a state or local government; or
- Be a single parent enrolled full-time in an institution of higher education and responsible for the care of a dependent child under the age of 12 regardless of the availability of adequate child care.
- Students attending certain Massachusetts Community Colleges and enrolled in a career or technical education program under the Perkins IV Program or in a course of study that would lead to employment as verified by the college (See FOM 2010-28 Eligibility for Certain Community College Students (Issued 6/1/2010))

➔ **Exercise: Student Eligibility**

In the following examples, determine the student eligibility status.

1. Fred Walpole is currently attending Wilson University. He is a full time student and has a federal work-study job at the library working 11 hours per week.

2. Lisa Willis has two children, ages 4 and 7. She is a full-time college student and is not employed.

3. Jerome Burns is a full-time student attending South Central Community College. He works 15 hours per week at a local grocery store.

4. Tracy Smith is a part-time college student. She is not in a work study program and not currently employed.

5. Judith Larson applies for SNAP Benefits. She is a full-time college student, has a 1 year-old daughter, and is currently working 30 hours per week.

➔ **Work Requirements Overview**

Criteria	Verification	Manual Citation
<p>Work Registration - 2 Programs Must satisfy appropriate SNAP Work Requirements, based on age and exemption criteria.</p> <p>Work Program</p> <ul style="list-style-type: none"> When the applicant/recipient is between the ages of 18 - 49, determine if he/she meets any of the exemptions for the SNAP Benefits Work Program (106 CMR 362.320 [B]). If he/she does not meet any of the exemptions, he/she is mandated to participate in the Work Program. <p>SNAP/E&T</p> <ul style="list-style-type: none"> All Household members between the ages of 16-59, he/she will be subject to the Supplemental Nutrition Assistance Employment and Training Program (SNAP/ET). 	<ul style="list-style-type: none"> Must have signed the SNAP Application, which registers appropriate HH members in SNAP/E&T If not exempt from the Work Program, must be participating in the program as listed in 362.320(A). HH members between age 16-59 may choose to volunteer for SNAP/E&T 	<p><u>Work requirements:</u> 362.320(A)</p> <p><u>SNAP/ET requirements:</u> 362.310(A)</p> <p><u>Work exemptions:</u> 362.320(B)</p> <p><u>Method of Work registration:</u> 362.320(C)</p> <p><u>Community Service criteria:</u> 362.320(D)</p> <p><u>Failure to comply with Work Program & regaining eligibility:</u> 362.320 (E)(F)&(G)</p>

The ABAWD Waiver for Able Bodied Adults Without Dependents (ABAWD) will be in effect until September 30, 2013 under the American Recovery and Reinvestment Act.

➔ Work Program Requirement

If mandatory for the **Work Program** (not meeting any exemptions and between the ages of 18 and 49), nonexempt HH members must:

- **Register** for work at application and every 12 months after initial registration; and
- **Work** (at a job) an average of 80 hours per month; or
- **Participate in and comply** with the SNAP Benefits Community Service Program for based on participation set by BEACON;
- **Provide** the Department (upon request) with information regarding their employment status or job availability;

BEACON sets the participation level by dividing the individual's SNAP Benefits Allotment by \$8.00 (the State hourly minimum wage).

Example:

Lamont Marbury only worked a total of 66 hours last month and does not meet Good Cause reasons for not performing Community Service. Based on his current benefit amount (\$46), he must participate for five hours because $\$46 \div \$8.00 = 5.75$ (hours are rounded down)

The ABAWD Waiver for Able Bodied Adults Without Dependents (ABAWD) will be in effect until September 30, 2013 under the American Recovery and Reinvestment Act. (See FO-Memo 2009-33 and Transitions October 2011 FYI - Suspension of ABAWD Rules Extended for more information)

➔ **Work Program Requirement Exemptions**

- 1) Persons under 18 or over 49 years of age;
- 2) Members of Households responsible for dependent children (*under 6*) or an incapacitated person (the caretaker does not have to live in the same household as the dependent child or incapacitated person);
- 3) Residing with a person under age 18;
- 4) Pregnant women;
- 5) Persons physically or mentally unfit for employment on a permanent or temporary basis.

Proof of disability must be in the form of:

- verification from the source of disability benefit (government or private); or
 - written, dated, and signed statement from a competent medical authority confirming disability; or
 - confirmation of participation in a Massachusetts Rehabilitation Commission program or another approved vocational rehabilitation program;
- 6) TAFDC and EAEDC recipients subject to and complying with the appropriate cash assistance program work requirements;
 - 7) Applicants or recipients of Unemployment Compensation benefits who are subject to and participating in a work program;
 - 8) Students enrolled at least half-time in any recognized school, training program, or institution of higher education and who have met the conditions of 106 CMR 362.400 and 362.410;

➔ **Work Program Requirement Exemptions (cont'd)**

- 9) Active participants (on a residential or nonresidential basis) of a drug addiction or alcohol Treatment and rehabilitation program (Participation in an Alcoholics Anonymous program (A.A.) alone does not automatically make one eligible for this exemption); or
- 10) Persons employed or self-employed for a minimum of 30 hours a week, OR if working fewer than 30 hours, earning an income equal to or greater than the State hourly minimum wage x 30.
- 11) Teens 16 or 17 years old (*not heads of household*) who are attending school or enrolled in an employment and training program at least half-time; and
- 12) ABAWD Waiver for Able Bodied Adults Without Dependents (ABAWD). This will be in effect until *September 30, 2013* under the American Recovery and Reinvestment Act. (See *FO-Memo 2009- 33 and Transitions October 2011 FYI - Suspension of ABAWD Rules Extended*)
- 13) Persons viewed as **Unfit for Work Observed** are ABAWDS who appear to be unfit for employment;
- 14) Persons who are temporarily unfit (*less than 30 days*) due to illness;
- 15) Ineligible non-citizen.

➔ **Noncompliance with the Work Program**

Any nonexempt individual who fails to comply with the SNAP Work Program participation requirements without good cause will be limited to a total of **THREE** months of benefits in a continuous **36-month period**.

- Benefit months need not be consecutive;
- Ineligibility involves only the non-complying HH member(s); and
- Eligibility can be regained by complying, becoming exempt, or at the expiration of the 36month period.

Loss of Employment Exception (362.320 I)

Individuals who have:

- used their 3 months;
- regained eligibility by complying (362.320G); and
- subsequently are terminated from employment through no fault of their own get an additional three months during the balance of the original 36-month period.

Exception is limited to a single three months during the balance of the three-year period.

➔ SNAP/E & T Program Overview

Nonexempt HH members **between 16 and 59** must:

- Register for work
- Comply* with
 - ✓ Skills Training and Related Job Search Activity participation requirements at (if available) (CMR 106 362.310 (D)); or
 - ✓ Self-Directed Job Search requirements (106 CMR 362.310 (E)).
- Provide information to the Department regarding employment status or job availability when requested

Meeting the Requirements

I. REGISTER for work

- ➔ All nonexempt persons enroll in SNAP/E&T by signing the application or recertification form;
- ➔ Verification of enrollment must be kept in the case record;
- ➔ Work registration is good for 12 months; and
- ➔ Refusal to register without good cause (362.330) is grounds for disqualification

***NOTE:** Nonexempt HH members between the ages of 18 and 59 who receive Emergency Assistance and reside in a shelter, hotel, or motel must comply with Skills Training and Related Job Search Activity requirements. Exempt SNAP/E&T household members between 16 and 59 may volunteer to participate in Skills Training and Related Job Search activities, if a slot is available.

➔ SNAP/E&T Program Work Requirements

2. **COMPLY** with **Skills Training and Related Job Search Activity** or **Self Directed Job Search**

Skills Training and Related Job Search Activity Participation Requirements

- Enroll in SNAP/E&T (included on signature page of application)
- Attend SNAP/E&T interview (unless recipient has good cause for not attending)
- Begin participating through vendor when referred by Department (appropriate candidates will be referred to SNAP/E&T Career Centers /DCS (formerly DET) if available and selected by SNAP/E&T participant)
- Provide verification of participation
- Fulfill all required activities within 60 days of enrollment
- Continue vendor-assisted job search activities
- Accept an offer of employment
- Maintain employment found by vendor

Self-Directed Job Search Program Participation Requirements

- Enroll in -SNAP/E&T (included on signature page of application)
 - Begin participating within 30 days of enrollment
 - Provide verification of participation on the SNAP Job Search Declaration form
 - Make at least **18 job contacts** or **5 job contacts** and other job search activities which **combined total 24 hours** of effort within 60 days of enrollment
3. **PROVIDE** for the Department of Transitional Assistance with information regarding employment status or job availability. Such information must be provided upon request or within 10 days of changes in employment or exemption status.

➔ Exemptions from the SNAP/E&T Program

1. Persons **younger than 16 or older than 59**;
2. Persons **physically or mentally unfit*** for employment;
3. Persons who are temporarily unfit (*less than 30 days*) due to illness;
4. A SNAP Program recipient subject to and complying with the SNAP Work Program (*106 CMR 362.320*);
5. **Unemployment Compensation Benefit** applicants/recipients who are participating in a comparable work program;
6. A TAFDC/EAEDC recipient subject to and complying with the cash assistance Work Program;
7. A Caretaker for a dependent child under 6 or an incapacitated person (even if not living in the same household)
8. Students enrolled at least half-time in any recognized school, training program, or institution of higher learning;
9. Regular participants in a drug addiction or alcoholic treatment program (*does not need to be residential*);
10. Persons employed or self-employed for a minimum of 30 hours a week or, if working fewer than 30 hours, earning an income equal to or greater than the federal hourly minimum wage x 30 **Effective July 24, 2009 minimum wage will increase to \$7.25.**

Example: A man earns \$250 a week for **15 hours** work. He is exempt because his earnings exceed the federal minimum wage for **30 hours**.
11. Teens 16 or 17 years old (*not heads of household*) who are attending school **OR** enrolled in an employment and training program at least half-time; and
12. Pregnant women in their second or third trimester of pregnancy.

***NOTE:** See F.O. Memo 2004 – 22 “Supplemental Nutrition Assistance Work Requirements Medical Report” for additional information

➔ **Consequences for Noncompliance with the SNAP/E&T Program**

Individuals who fail to comply with the SNAP/E&T Program without good cause shall be ineligible for SNAP Benefits for:

- **3 months for the first finding;**
- **6 months for the second finding;** and
- **12 months for the third finding** AND if the individual who fails to comply three times is the Head of Household, the **case is ineligible for 6 months.**

***NOTE:** For a detailed description of the method used to determine the Head of Household, see Appendix D-I

➔ Good Cause Reasons for Nonparticipation in the SNAP/E&T Program

The following are **nine reasons** allowing nonexempt HH members to temporarily suspend participation in the **SNAP/E&T Program**:

- 1) Suitable state-standard child care is unavailable during hours of employment or training;
- 2) The individual, a member of the individual's immediate family, or anyone whose relationship to the individual makes it appropriate for the individual to provide care or support during a crisis or emergency situation, suffers a family crisis or emergency situation or other compelling circumstances beyond the control of the individual that:
 - (1) demands the individual's immediate attention; and (2) can only be attended to by the individual; and (3) can only be attended during the hours of his or her employment or work program activity. Examples of crisis or emergency situations include, but are not limited to, a death, a health emergency, domestic violence or a child's school problem;
- 3) The employment or offer of paid employment is at a wage level below the higher of:
 - (a) The applicable federal minimum wage;
 - (b) The applicable state minimum wage; or
 - (c) 80 percent of the federal minimum wage, if neither the federal nor the state minimum wage applies to the job.
- 4) The employment, offer of employment, or activity discriminates in terms of age, sex, race, religion, ethnic origin, or physical mental handicap.
- 5) The employment is available due to a strike or lockout
- 6) The employment causes an unreasonable risk to health and safety
- 7) The working hours or nature of the employment interferes with the member's religious observances, convictions or beliefs.
- 8) The employment or SNAP/ET site would require travel time in excess of two hours, not including the time necessary to transport family members to a school or a place providing care, or, if walking, the round trip distance is more than two miles.
- 9) SNAP/ET Job Search Program costs exceed reimbursement.

➔ Good Cause Reasons for Nonparticipation in the SNAP/E&T Program

Verification of good cause for non participation is mandatory. The following are the specific verifications for the good cause reasons (362.330[A]):

- Child-care: verified by a written, dated, and signed statement from an appropriate official of the designated agency under contract with the Department, stating that such services are unavailable in the area, or are unavailable during the hours of the individual's employment or training.
- Emergency situations: verified by a written, dated, and signed statement from the individual describing the crisis, emergency situation or other compelling circumstances and a collateral contact with another individual or organization involved in the situation. To the extent possible, the collateral contact shall be with a third party who is not a family member.
- Employment, or an offer of employment, below the applicable federal or state minimum wage, or exceeding the customary daily and weekly hours of work: shall be verified by a written, dated, and signed statement from the individual and, if appropriate, by a collateral contact with the employer by the Department
- Employment, offer of paid employment or activity for employment which discriminates on the basis of age, sex, race, religion, ethnic origin, or physical or mental handicap: shall be verified by a written, dated, and signed statement from the individual and, if appropriate, by collateral contact with the employer by the Department.
- A strike or lockout: shall be verified by a written, dated, and signed statement from either the collective bargaining representative or the employer.

➔ Exercise: Work Requirements

Determine the status (mandatory or exempt) of the following applicants with regard to the SNAP Benefits Work Program

- 1) Jason Williams comes in to apply for SNAP Benefits. He is 17, lives alone does not have a job or attend school

- 2) Kathy Kirk wants to apply for SNAP Benefits. You determine that she is a mandatory Work Program participant. She is 23 and currently unemployed. When you tell her that she must participate in the Work Program, she states that she doesn't want to work; she just wants SNAP Benefits.

- 3) Sara Limerik is 37 and has just received her third Unemployment Compensation Benefit check. She states that she is actively looking for work.

- 4) Andy Rhodes is 40 and has a son, Timothy, who is 19. Timothy works fulltime however, Andy states that he has no reason not to work but has been having a little trouble finding work these days.

- 5) Robert Gumble is 18. He is currently receiving SSI benefits and states that he would like to find a job.

➔ Exercise: Nonfinancial Eligibility Requirements

In the following examples, determine the nonfinancial eligibility status and list the necessary verifications.

- 1) Jack Evans moved to Massachusetts yesterday. At present, he has neither a job nor a place to live.
- 2) Rose Barrett lives with relatives in Vermont. While vacationing in Massachusetts, she runs out of food.
- 3) Lucy Ames, age 25, is in her fifth month of pregnancy.
- 4) Jim Newsome cannot remember his social security number.
- 5) Marisol Vega states that she is an eligible noncitizen, but she has lost all verification of her status.
- 6) Fred Smith, who's 45, states that he is not able to work due to a back injury that he sustained as a result of a recent car accident.
- 7) Julie Walker is an ineligible noncitizen. Her child was born in the U.S. six months ago.
- 8) Anna Morales recently moved here from her birthplace, San Juan, Puerto Rico. She is 25, able to work and unemployed.

➔ **Household Concept – Purchase/Prepare**

SNAP Household Types (361.200)

1. An individual living alone.
2. Individuals living with others but who purchase and prepare meals separately.

Example: James Winter moves into his friend John Wilson's household (John, his wife, and infant child.) James must purchase his food and prepare his meals separately to have his own household.

3. A group of individuals living together who customarily purchase and prepare meals together.

Example: Linda White and her three children move in with her sister, Gale Dunn, and her two children to save on shelter expenses. They purchase and prepare their meals together, thus are considered one SNAP household.

➔ Restrictions on Separate Household Status

The following rules apply to households that cannot have separate household status:

The Parent/Child Rule (361.200[A] [3])

- Natural, adoptive, or stepparents **may not** be in separate households from their minor children (**under age 22**). It does **not** matter if they purchase and prepare food separately.

Example: Mary Bates who is disabled lives with her son, Billy, who is 21 and unemployed. They state that they purchase and prepare food separately. Mary and Billy would be one SNAP household because minor children cannot be in separate households.

Example: Jane Lewis lives with her daughter, Elizabeth, and Elizabeth's new husband, John. Elizabeth, who is 19, shops for and prepares food for her and John. Elizabeth cannot have separate household status though she is married and living with her spouse. There are no exceptions to the Parent/Child Rule.

- Parents and their adult children (**22 or older**) **may have** separate household status if they purchase and prepare food separately.

Example: Edna Harris, age 46, lives with her son John, age 24. She purchases and prepares food separately from him. They are two separate SNAP households.

➔ Restrictions on Separate Household Status

The Spouse Rule (361.200 [A] [1])

- An individual living with his or her spouse must be in the same Supplemental Nutrition Assistance household as the spouse. Spouses shall not be granted separate household status.
- Spouse is defined as either of two individuals who are legally married to one another, or who are living together and holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors, or trades people.

The Parental Control Rule (361.200 [A] [2])

- Minor children (**under age 18**), except Foster Care children, who live under the parental control of an adult household member (*other than the natural, adoptive or stepparent*) **must** be included in the household of that adult household member.
- The definition of "**Parental Control**" is receiving either supervision or financial support from an adult 361.200(A) (2).
- To successfully claim separate SNAP household status, the Minor Child would be required to verify that he/she receives neither supervision nor financial support from the adult.

Example: Marion Ames, age 70, is caring for her granddaughter, Angela, age 17, and Angela's daughter Jennie. Mrs. Ames states that she purchases and prepares food separately from Angela and the baby. All three are one SNAP household. It does not matter that Angela is herself the parent of a minor child who is living with her.

➔ **Exceptions to the Purchase and Prepare Rule (361.240[B])**

- **Residents of a drug or alcoholic treatment center**

- **Blind or disabled resident of a group living arrangement**
 - Authorized representative applies for applicant
 - Applicant applies on his or her own behalf, household size determined by household concept rule (365.620)

- **Women, with or without children, in a shelter for Battered Women**
 - Note: Per reform provisions dealing with domestic violence, teen parents and their children who reside in Teen Living Programs (TLPs) meet this definition

- **Residents of Homeless Shelters**

- **Elderly and Disabled Individuals**
 - Residing with others, who purchase and prepare meals for him/her.
 - An individual who cannot purchase food and prepare meals due to a permanent disability AND the gross income of others, excluding the individual and spouse, does not exceed 165 % of the net income eligibility standard.
 - An elderly and disabled individual who meets the above conditions, but lives with his or her spouse, or natural, adoptive child under age 22, or any child under age 18 who is under his or her parental control, cannot have separate household status.

➔ **Separate Household Status Exercise**

Determine if separate household status exists in the following examples:

- 1) Eddie Smith, age 21, is married but has separated from his wife and moved in with his elderly parents.

- 2) Janice Foster moves in with friends but buys food separately from them. They prepare together.

- 3) Pamela Manning, age 21, and her child live with her parents. All meals are purchased and prepared together.

- 4) John Brown, head of the SNAP household, lives with his wife and states that he buys and prepares food separately, because she works two jobs.

- 5) Sue Chase lives with her brother, Chet. He purchases and prepares his own food.

➡ **Exercise Determine the number of Households**

Identify the number of households in the following examples.

- 1) Ben Nelson, age 25, lives with his parents, who are over 60. All the shopping and meal preparation is done by Ben.

- 2) Mr. and Mrs. Howard Simpson live with their two small children, ages 1 and 4.

- 3) Mr. Jack Danson has moved in with Ms. Sue Collins. They pay an equal amount on rent and utilities. Jack buys and cooks his food separately from Ms. Collins.

- 4) Marty, Brad, and Scott are brothers sharing a two bedroom apartment. They all buy and cook their food separately.

- 5) Wally lives with his sister Janet and her three year old. Wally eats with the family and is not employed.

- 6) Mary Lown, age 16, resides with her aunt, Sarah, who is 59 years old.

- 7) Mildred Parker, age 72, is a severely disabled adult and receives SSI. She lives with her brother, who purchases and prepares all their meals.

- 8) The Mihn family, formerly from Vietnam, was recently reunited. The family consists of 4 children, ages 6, 9, 12, and 14, a husband, wife and the wife's mother, who is 59 years old. The wife's mother is on a special diet and prepares her meals separately.

➔ Nonhousehold Members (361.230)

Nonhousehold Members are individuals residing with an assistance unit but who cannot be considered household members. Except for disqualified individuals, described in 361.230(D), **the nonhousehold member's income and resources shall not be considered in determining the household's eligibility and benefit level.**

Nonhousehold members include:

Roomers		
<i>Criteria</i>	Income and Resources	Example
Individuals to whom the household furnishes lodging, but not meals, for compensation	Not considered	Jimmy Jones rents a room from Mr. Williams.

Live-in Attendants		
<i>Criteria</i>	Income and Resources	Example
Individuals who reside with a household to provide medical, housekeeping, child care or other similar personal services to a household member(s).	Not considered	Anne Green lives with the Johnson family and cares for their two children.

Students		
<i>Criteria</i>	Income and Resources	Example
Individuals between ages 18 and 49, enrolled in an institution of higher education, who are ineligible because they fail to meet student eligibility criteria (see 362.400)	Not considered	Sally Simpson attends UMass Boston and lives with her parents who receive SNAP Benefits. She only works 12 hours per week.

➔ **Nonhousehold Members (cont'd)**

Others Who May receive Separate Household Status		
<i>Criteria</i>	Income and Resources	Example
Individuals who share living quarters but purchase and prepare meals separately	Not considered	Kathy Seymour and her two children move in with Violet Smith and her two children to save on shelter expenses .They do not purchase and prepare meals together, thus are considered separate households.

Disqualified Individuals		
<i>Criteria</i>	Income and Resources	Example
Persons disqualified for: <ul style="list-style-type: none"> • Fraud • Failure to provide or apply for a Social Security Number • Undetermined, nonimmigrant, or illegally residing noncitizen status • Legal noncitizens ineligible for SNAP • Failure to comply with Supplemental Nutrition Assistance Work Requirements • Individuals disqualified per the disqualification chart in this package 	Considered (365.520)	Kelly Wright concealed information to obtain SNAP benefits to which her household was not entitled.

➔ **Granted Separate Status Exercise**

In the following examples, may any members of the household be granted separate SNAP Benefits household status?

- 1) Lou Jones rents a room from his cousin Mary. Lou pays \$75 weekly for rent only.

- 2) Edith Reilly decides to rent a room to Kenneth Drake. Kenneth will pay \$200 for rent and 3 meals a day.

- 3) Gladys Walsh resides with the Hines family, where she provides medical services to their sickly child.

- 4) The Milbury family and the Cruz family live together to save on rent. They pay an equal amount for rent and utilities. Each family buys and cooks its food separately.

- 5) Helena Smith has been disqualified for SNAP Benefits because she failed to provide a social security number.

➔ **Ineligible Households (361.240)**

Ineligible households/household members are not eligible to participate in SNAP and are not considered to be part of the SNAP Benefits case when determining the benefit amount (unless noted as an exception).

There are 5 types of ineligible households

I. Boarders Who Are Not Residents of Commercial Boarding Houses

Criteria

Boarders Who Are Not Residents of Commercial Boarding Houses are individuals or groups of individuals residing with others and paying “**reasonable compensation**” (see 361.240 [D] [1] [2] for definition) for lodging and meals. In determining whether the individual is paying reasonable compensation, only the amount paid for meals shall be used, provided that the amount paid for meals is distinguishable from the amount paid for the lodging.

Exceptions

- individuals who pay less than reasonable compensation **are not boarders** and must be members of the household providing the lodging and meals
- **boarders** may participate as members of the household **at the request of the household**
- If the household providing lodging and meals has not requested that its boarders be included in its household, none of the income and resources of the boarders are to be considered except the payment of the boarder to the household (in accordance with 365.200)

2. Institutionalized Residents

Criteria

Institution provides the majority of meals as part of the institution's normal services.

- Majority of meals = 50% of three meals daily

Exceptions

- residents of federally subsidized housing for the elderly (residents do not have to be elderly)
- residents of approved drug or alcohol treatment centers (365.600)
- residents of homeless shelters
- blind or disabled residents of group living arrangements (365.620)
- residents of shelters for battered women and children (365.550) and TLPs

3. Strikers

Criteria

Individuals involved in a strike, work stoppage, stoppage by reason of expiration of a collective bargaining agreement, concerted slowdown, or other concerted interruption of operations by employees.

Exceptions

All must be true to be eligible:

- the household was participating or was eligible to participate on the day before the strike;
- the household is otherwise currently eligible;
- *add the highest of the two (striker's current monthly income or the striker's monthly income the day before the strike) to the non-striking-members' income; and*
- striker registers for work, unless exempt.

4. Foster Care Children/Foster Care Adults	
Criteria	
<p>The foster care household has the option to include the foster care child or foster care adult in its Supplemental Nutrition Assistance household:</p> <ul style="list-style-type: none"> • foster care payments are considered as unearned income if the foster person(s) is included in the household; or • if not included in the household, the foster person(s) is ineligible to participate in the SNAP Benefits Program and the foster care payment(s) is not included as income. 	
Exceptions	
None	

➡ 5. Borders/Residents of Commercial Boarding Houses	
Criteria	
<p>Residents of commercial boarding houses are not eligible to participate in the SNAP Benefits Program. A commercial boarding house shall be defined as an establishment that is licensed as a commercial enterprise, and offers meals and lodging for compensation or with the intent to make profit.</p> <p>Note: The household of the owner of a boarding house may participate in the Program as a household separate from the residents of the boarding house, if the owner's household meets all the eligibility requirements for Program participation.</p>	
Exceptions	
none	

➔ **Exercise: Eligible or Ineligible Households**

Identify the eligible and ineligible household members in the following case examples and state the basis of eligibility.

- 1) Jack Sullivan lives at Dan's boarding house where he pays \$150 a month for three meals a day and lodging. Is Jack eligible for SNAP Benefits?

- 2) Kathy Jones is a resident of "My Sister's House," a licensed treatment center for alcoholism. May Kathy receive SNAP Benefits?

- 3) Dennis Walters is applying for SNAP Benefits. He is employed by Chrysler Corp. His family consists of a wife and their child, and two foster children. He is receiving foster care payments of \$600 a month. Who is eligible for SNAP Benefits?

- 4) Cindy Parker receives TAFDC for herself and her 13 year old daughter, Dawn. Her 19 year old son, Kevin, is a full time college student. He is employed 15 hours per week in a local restaurant. Who is eligible for SNAP Benefits?

➔ Categorically Eligible Households (365.180)

Overview

Categorically-eligible households are not subject to an asset test. A categorically eligible household, depending on income, will either be:

1. Approved for a regular benefit amount;
2. Approved for the minimum SNAP benefit of \$16 when the household size is one or two and the net income exceeds the level at which benefits are issued; or
3. Suspended at zero benefit when the household size is three or more and the net income exceeds the level at which the benefits are issued.

Categorically Eligible Households

EAEDC SNAP Households

- All members are receiving or are authorized to receive cash assistance under the EAEDC program and are subject to the income/asset rules of the EAEDC program.

SSI SNAP Households

- Any SNAP Household in which all members are receiving or are authorized to receive cash assistance under the SSI program and are subject to the income and asset rules of the SSI program.

TAFDC SNAP Households

- Any SNAP Household in which all members are receiving or are authorized to receive cash assistance under the TAFDC program and are subject to the income and asset rules of the TAFDC program.

SNAP-Only TANF Services Household

- An NPA SNAP Household which consists of:
 - a pregnant woman living alone; or
 - a child(ren) under age 19 living with a parent or caretaker relative or an adult caretaker exercising SNAP parental control;
 - adults between the ages of 19 and 59;
 - all non SSI elderly(age 60 or over) or federally disabled members

➔ **Households Not Categorically Eligible**

The total assets of these Noncategorical Households are counted when determining eligibility for the SNAP benefits Program.

- A Household with a member currently disqualified due to:
 - An Intentional Program Violation (367.800); or
 - Failure to Comply with SNAP Work Program requirements (362.320); or
 - Failure to Comply with TAFDC Monthly Reporting requirements (366.110D) is not categorically eligible;
 - A Non SSI elder or disabled household which has income in excess of the 200% poverty level is not categorically eligible. (Case Managers should screen all Non SSI elder or disabled households at application or recertification to determine if household's gross income exceeds the 200% poverty level)

Public Assistance vs. Non Public Assistance

Public Assistance Household (PA)

- ▶ Everyone receives either TAFDC, EAEDC, SSI, is a FEP household, or the household contains an ineligible child born after the Family Cap Date.

Examples:

Sybil and her daughter live with her brother and his family of four. They purchase food and prepare their meals together. Everyone receives TAFDC.

Mary Stewart and her son receive TAFDC and live in their own apartment.

Non-Public Assistance Household (NPA)

- ▶ At least one person in the household does not receive Public Assistance (except SSI).

Examples:

Karen White receives SNAP Benefits for herself and her two children. Karen receives Unemployment Compensation, and does not receive TAFDC.

Brenda Hill lives with a friend who receives TAFDC. Brenda has a part time job. Brenda and her friend purchase food and prepare their meals together.

➔ Important Points

- 1) The goal of the Supplemental Nutrition Assistance Program is to raise nutritional levels and provide benefits to low-income families.
- 2) Case managers may release information about a case only with the written consent of the recipient.
- 3) A person does not need to have an established residence in Massachusetts to be eligible for SNAP benefits. For example, an individual can be homeless. Outside of being homeless, the individual needs to have the intent to reside in Massachusetts.
- 4) Undetermined/Noncitizens can choose not to apply for themselves.
- 5) Only specifically defined groups of noncitizens meet the eligible noncitizen status requirements for SNAP eligibility.
- 6) Persons who purchase or prepare food together are ordinarily considered one household.
- 7) Certain related persons can never have separate household status when living together.

Appendix A

SNAP- Eligible Desk Guide**Eligible Due to Status - ACARDs**

- A** Asylees per section 208 of the INA;
- C** Cuban/Haitians per section 501[e] of the Refugee Education Assistance Act, 1980;
- A** Amerasians (mostly Vietnamese) per section 504 of the FEF&RPAA, 1988;
- R** Refugees per section 207 of the INA;
 - Victims of Severe Forms of Trafficking (as defined in 106 CMR 362.240[e]) are treated as Refugees; (See Appendix B-2 item 8)
 - Iraqi and Afghan noncitizens with special immigrant status are also treated as refugees.
- D** Deportation Withheld per section 243(h) thru 3/31/97 OR 241(b) (3) of the INA.

Eligible when meet certain *eligibility criteria

Legal Permanent Residents (LPRs):

Certain Battered Noncitizens see 106 CMR Ch. 362.220 (B) (8);

Conditional Entrants under section 203 (a) (7) of the INA;

Parolees who were paroled as Asylees/Refugees under section 212 (d) (5) of the INA for at least one year;

***Eligibility criteria:**

- Complete **FIVE** years as a Qualified Noncitizen; OR
- Are Disabled; OR
- Are Veterans; OR
- Are under 18; OR
- WERE 65 and lawfully residing in the US on 8/22/96

***NOTE:** LPRs who can be credited with **40 Qualifying Quarters** by adding their own quarters to their spouse's (earned during the marriage) and their parents' (earned before the LPR turned 18) need not satisfy a NON ACARD condition.

Appendix B-I

➔ Simplified Noncitizen Definitions

1. **Personal Responsibility & Work Opportunity Reconciliation Act:** PRWORA, passed on 8/22/96 and often called Welfare Reform, rendered many previously eligible legal immigrants ineligible for the SNAP.

2. **Agricultural Research, Extension, and Education Reform Act:** AREERA, passed on 6/23/98, restored SNAP eligibility to: certain noncitizens under 18 who were legally residing in U.S. on 8/22/96; certain noncitizens who were legally residing on 8/22/96 and were elderly (65 and older) or disabled on that date or who became disabled after that date; certain Hmong refugees and Native Americans. Also, refugees and asylees had their period of eligibility extended from 5 to 7 years.

3. **Farm Bill:** of 2002, it restores eligibility to all **Qualified Noncitizens** in three phases (10/1/02, Qualified Disabled; 4/1/03, Qualified and residing for 5 years; 10/1/03, Qualified and under 18 years old).

4. **Qualified Noncitizens:** Describes the types of noncitizens who can qualify for at least SNAP.

5. **Federal Means-Tested Program:** The following benefits and programs are used in determining eligibility for qualifying quarters; TAFDC, TANF, SSI, Medicaid, SNAP , Food Assistance Program in Puerto Rico/American Samoa/Northern Marianas, and the State Child Health Insurance Program (SCHIP)

Appendix B-2

➔ **Simplified Noncitizen Definitions (cont'd)**

6. **Known to be in the US Unlawfully:** The Department of Transitional Assistance (or the Departmental Representative) has seen a **Final Order of Deportation** or other formal document that indicates that a determination, subject to Administrative or Immigration Review, has been made that the Noncitizen is present in the U.S. illegally. Unwillingness or inability to verify status (or any unverified oral statement or admission) **DOES NOT** constitute proof of being in the U.S. unlawfully. These persons have their income, assets and expenses counted in accordance with 106 CMR 365.520(A). ***Their assets and income are counted in their entirety to the remaining household members.***

7. **Dependent child** (for the purpose of determining veteran noncitizen eligibility status): Must be a child under 18 or, if a full-time student, under age 22. Any child of any age may be eligible, if disabled and dependent upon the parent before his/her 18th birthday.

8. **Victims of Severe Forms of Trafficking:** Refers to persons described in The Trafficking Victims Protection Act and means, “Sex trafficking in which a commercial sex act is induced by force, fraud or coercion, or in which the person induced to perform such act has not attained 18 years of age. The term also applies to the “recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.”

9. **Legal Noncitizens Ineligible for the SNAP:** Refers to persons who are legal noncitizen immigrants not described in 362.220(B) (e.g., LPRs not currently eligible, PRUCOLS, Work Authorized, etc.). These persons, eligible for the SNAP before welfare reform have their income, assets and expenses treated in accordance with 365.520(B) and 364.600(C). ***Their assets are counted in their entirety, but a portion of their income is prorated to the remaining household members.***

Appendix B-3

➔ Simplified Noncitizen Definitions (cont'd)

10. Undetermined Noncitizen Status: Refers to persons who cannot or will not verify a legal, eligible noncitizen status (e.g., nonimmigrant, undocumented, etc.) These persons have their income, assets and expenses counted in accordance with 106 CMR 365.520(A). ***Their assets and income are counted in their entirety to the remaining household members.***

11. Veteran or Active Duty Personnel: A noncitizen who is lawfully residing in the U.S. AND he/she is:

- an Honorably (not “Under Honorable Conditions” or any reason related to his/her noncitizen status) Discharged Veteran of the U.S. Armed Forces;
Or
- on active duty (*other than active duty for training*) who fulfills the minimum active duty service requirement of 24 months or the period for which the person was called to active duty, in the U.S. Armed Forces;
Or
- the spouse, widow or unmarried dependent child(ren) of an Active Duty Person/Veteran (described fully in 106 CMR 362.240 [F] [4]).

12) Iraqi and Afghan special immigrants: are Legal Permanent residents with a special immigrant visa. They either entered the U.S. as LPR's with a special immigrant visa or adjust to that status within the United States after entering the U.S. under another status (such as asylee or parolee) .

Exempt from noncitizen limitation

Several categories of noncitizens are eligible for SNAP Benefits on the same basis as U.S. citizens (do not have to be Qualified Noncitizens):

- Naturalized citizens
- American Indians born in Canada or Mexico per 106 CMR 362.230
- Members of Hmong and Highland Laotian Tribes per 106 CMR 362.235

Appendix C-1

➔ Noncitizen Sponsor Deeming Overview**What is Sponsorship?**

A sponsor is a person who has executed an Affidavit of Support agreeing to financially support a Noncitizen(s) who files a petition to be admitted as, or be adjusted to, the status of **Legal Permanent Resident**. An Affidavit of Support is a legally enforceable contract that empowers a federal, state, or local agency to seek to recover from the sponsor any assistance provided to the sponsored person by any means-tested public benefits program.

Who is impacted?

- LPR is the only status in the INA that is subject to Sponsorship Deeming unless specifically exempted or not subject to sponsorship deeming.
- Legal Permanent Residents (LPRs) who were granted LPR status between 12/19/1997 and 5/31/1998 are sometimes referred to as “window immigrants.” Most of these LPRs received their LPR status using the non-binding I-134. Affidavit of Support LPRs who were sponsored by family members or other individuals and who have an LPR status granted date before June 1, 1998 are not subject to sponsor deeming. Any noncitizen that falls into this category must not be asked for affidavit of support documents nor should their supplemental nutrition assistance benefits be delayed for this reason.

Who is exempt?

- Asylees
- Cuban/Haitian Entrants
- Amerasian
- Refugees
- Deportation Withheld Noncitizens
- LPRs Sponsored by public or private organizations
- Conditional Entrants
- Parolees
- Noncitizens living in the same SNAP HOUSEHOLD as the sponsor.

FYI All deeming requirements for Household’s with Qualified Noncitizens under the age of 18 were removed as of 10/01/03.

Appendix C-2

Noncitizen Sponsor Deeming Overview (cont'd)**What ends the Sponsorship Responsibility?**

- 1) The sponsored noncitizen becomes a naturalized U.S. citizen;
- 2) The sponsored noncitizen ceases to hold LPR Status (e.g., leaves the US);
- 3) The sponsored noncitizen or the sponsor dies; or
- 4) The LPR can claim **40 Qualifying Title II Work Quarters** (see page 16).

What are the Exceptions?

Certain Battered Noncitizens (per 106 CMR 362.220[B] [8]) for a period of 12 months from the date of SNAP receipt. The exception can be extended on a year-to-year basis.

The Indigent Noncitizen Exception refers to HOUSEHOLDS in which the total income, including income provided by the sponsor, is less than the Maximum Gross Monthly Income Standard (106 CMR 364.950) for a period of 12 months from the date of SNAP receipt, and which can be renewed year to year. The DTA is required to notify the United States Attorney General's Office of each such determination, including the names of the sponsored noncitizen and the sponsor.

What if the Noncitizen fails to verify?

- The noncitizen is required to provide a copy of his/her affidavit of support, the name, address and phone number of the sponsor and the income and asset information of the sponsor and the sponsor's spouse (if living with the sponsor) at initial certification and recertification.
- If the sponsored noncitizen cannot, or will not, provide verification he or she is ineligible.
- The remaining HOUSEHOLD members (assuming that they are not sponsored) are not directly affected.

FYI See field operations memo 2007-26 for details on the Supplemental Nutrition Assistance calculation for Legal Permanent Residents who do not provide sponsor deeming information

Appendix C-3

➔ Noncitizen Sponsor Deeming**Revisions to Sponsorship Deeming regulations effective 12/15/2008:**

Sponsor Deeming regulations for SNAP benefits have been revised. Under the new SNAP rules, fewer noncitizens will be subject to sponsor deeming provisions and those subject to deeming will have minimal sponsor income and asset amounts counted in determining SNAP eligibility and benefit level.

SSI SNAP Households

Any categorically eligible SNAP household in which **all** members are receiving or are authorized to receive SSI cash assistance are not subject to sponsor deeming requirements.

SNAP-Only TANF Services Households

Any categorically eligible NPA SNAP household which consists of:

- a pregnant woman living alone; or
- a child(ren) under age 19 living with a parent or caretaker relative or an adult caretaker exercising SNAP parental control will not be subject to sponsor deeming provisions.

SNAP - Only TANF Services Households

Any categorically eligible NPA SNAP household which consists of adults between the ages of 19 and 59 is no longer subject to sponsor deeming provisions.

SNAP - Only TANF Services Elder Households

Any categorically eligible NPA SNAP household which consists of all non- SSI elder (age 60 or over) or disabled members under the 200% gross income limit at 106 CMR 364.976 is no longer subject to sponsor deeming provisions.

➔ **Noncitizen Sponsor Deeming**

Non-Categorically Eligible SNAP Households remain subject to Sponsor Deeming requirements.

The following SNAP households cannot be considered categorically eligible.

- A household with a member currently disqualified due to:
 - an Intentional Program Violation at 106 CMR 367.800; or
 - Failure to Comply with SNAP Work Program requirements at 106 CMR 362.320; or
 - Failure to Comply with TAFDC Monthly Reporting requirements at 106 CMR 366.110(D) is not categorically eligible

- An elder or disabled household which has **income in excess of the 200% poverty level** is not categorically eligible.

Appendix C-5

Noncitizen Sponsor Income Deeming Calculation

Determining the Amount of Sponsor Income	
STEP 1	Subtract 20% from the total gross earned income of the sponsor and his spouse (if they live together).
STEP 2	Subtract from the result the Maximum Gross Income for a HOUSEHOLD the size of the sponsor and his IRS dependents .
STEP 3	Divide the result of STEP 2 by the total number of noncitizens that the sponsor agreed to support.
STEP 4	Add any additional money actually provided by the sponsor that exceeds the result of STEP 3 .
STEP 5	Enter the result as UNEARNED income to the noncitizen.

Note: Maximum Gross Income Standards are found at 106 CMR 364.950 (see the table on page 26 in Financial Eligibility Standards training package)

Appendix C-6

Noncitizen Sponsor Asset Deeming

Determining the Amount of Sponsor Assets	
STEP 1	Total the COUNTABLE assets of the sponsor and his/her spouse (if they live together).
STEP 2	Subtract \$1,500 from result of STEP 1 , regardless of the sponsor's household size or composition.
STEP 3	Divide the result of STEP 2 by the total number of noncitizens that the sponsor agreed to support.
STEP 4	Enter the result as an ASSET available to the noncitizen.

Appendix C-7

Noncitizen Sponsor Income Deeming Example

Boris and Irina Mazim are naturalized U.S. citizens living in Woburn with their two daughters, Deanna (11) and Trina (8). Boris signed an affidavit (I-864) to support Irina’s parents, Max and Svetlana. Max and Svetlana were receiving SNA benefits. Max is now disqualified due to an IPV and the household is now subject to sponsorship deeming requirements.

Determine gross earned sponsor income and disregard 20%	$\$800.00 \times 4.333$	\$3,466
	less 20%	<u>\$ (693)</u>
		\$2,773
Subtract Maximum Gross Income amount for HOUSEHOLD size (sponsor + IRS dependents)	Subtract Gross Standard for 4	\$(2422)
		\$351
Divide the result by the total number of sponsored noncitizens	Divide by 2 (Max and Svetlana)	\$175
Enter the result as Unearned Income to the noncitizen in BEACON	Enter for Max	\$175
	Enter for Svetlana	\$175

Appendix D

➔ Designating the Supplemental Nutrition Assistance Head of Household (361.220)

Generally the Household will choose who will be the Head of Household (usually the person who completes and signs the SNAP Benefits Application).*

For purposes of *Voluntary Quit Sanction* provisions, the Head of Household (including excluded HH members) is the **Principal Wage Earner**.

- **Principal Wage Earner** is designated as the individual **earning** the greatest amount of money in the two months preceding the date of the application/violation.
- **Principal Wage Earner** must have had earnings equivalent to the Federal Minimum Wage multiplied by 20 hours per week

Rule: In the SNAP, the designation of the Supplemental Nutrition Assistance Head of Household is of particular importance when:

- Establishing **Voluntary Quit Sanctions** (362.340).

***NOTE:** This designation is made at initial certification and at each subsequent recertification. The designation may **not** be changed between certifications unless there is a change in AU composition.

Appendix E

➔ **Voluntary Quit: Disqualification Periods**

Affects: Individuals who voluntarily quit a job, without good cause, within 60 days of application, or while participating in SNAP.

Application

The entire Case is subject to the following penalties:	
First Offense	Ineligible to participate in SNAP for 3 months
Second Offense	Ineligible to participate in SNAP for 6 months
Third Offense	Ineligible to participate in SNAP for 12 months

Ongoing

The Individual is subject the following penalties

The Individual who voluntarily quit is subject to the following penalties:	
First Offense	Ineligible to participate in SNAP for 3 months
Second Offense	Ineligible to participate in SNAP for 6 months
Third Offense*	Ineligible to participate in SNAP for 12 months

If the individual is the Head of Household, the **entire** case will be **ineligible** to participate in the SNAP for **6 months**.

Appendix F

➔ **SNAP Disqualification Periods**

Offense Disqualification Summary Chart (367.800)			
Offense	1st Offense	2nd Offense	3rd Offense
Intentional Program Violation (IPV)	Disqualified for 1 year	Disqualified for 2 years	Disqualified Permanently
Receipt of Multiple SNAP Benefits	Disqualified for 10 years		
Trading SNAP Benefits for Controlled Substances	Disqualified for 2 years	Disqualified Permanently	
Trading SNAP Benefits for Firearms, Ammunition, or Explosives	Disqualified Permanently		
Trading SNAP Benefits having the value of \$500.00 or more	Disqualified Permanently		
Fleeing Felons (<i>Are disqualified until they are no longer a Fleeing Felon</i>)/Outstanding Default Warrant	Disqualified Permanently		

Intentional Program Violation (IPV) is any action taken by an individual for the purpose of establishing or maintaining SNAP Benefits eligibility or for increasing or preventing a reduction in the allotment amount which is committed knowingly, willfully, and with deceitful intent.

Intentional Program Violations include:

- making a false statement(s) to the Department, either orally or in writing, to obtain or maintain benefits to which the HH is not entitled;
- concealing information to obtain or maintain benefits to which the HH is not entitled;
- making a false or misleading statement(s) or misrepresentation(s) in order to conceal or withhold facts in order to obtain or maintain benefits to which the HH is not entitled;
- using SNAP Benefits to buy non-food items such as alcohol or tobacco;
- using improperly obtained SNAP Benefit

Appendix G-I

Appendix G-2

Pertinent Field Operations Memo	Year	Number
Verifying Qualifying Quarters of Work for SNAP Eligibility	1998	15
Waiving In-Office Face-to-Face Interviews for NPA SNAP HHs	2002	16
Right to an Interpreter	2002	22
Restoration of SNAP Benefits/Noncitizens Under 18	2003	27
Food Stamp Farm Bill of 2002: Income and Asset Exclusions	2004	9
DTA/DMR Supplemental Nutrition Assistance Outreach Initiative	2004	15
Supplemental Nutrition Assistance Work Requirements Medical Report	2004	22
EOHHS Virtual Gateway Supplemental Nutrition Assistance Application	2004	32
TAFDC and Supplemental Nutrition Assistance Processing Guidelines for Noncitizen Applications	2004	34
Processing Supplemental Nutrition Assistance Applications from Residents of Licensed Group Homes for Blind/Disabled	2004	41
Bay State Combined Application Project Implementation	2005	4
Processing Supplemental Nutrition Assistance DTA/DMH Supplemental Nutrition Assistance Applications	2005	13
Bay State CAP Questions and Answers	2005	18
TAFDC and SNAP Program Eligibility for Battered Noncitizens	2005	22
Bay State CAP Outreach Plan – Phase Two	2005	50
Bay State CAP - Questions and Answers: Part Three	2005	53
The Medicare Part D Program	2006	3
No Increase in SNAP as a Result of Cash Program Sanction	2006	6
DTA Recertification of Bay State CAP HHs	2006	8
Processing Denied or Closed Supplemental Nutrition Assistance HHs	2006	20
SNAP (NPA or PA) Application Processing Guidelines	2006	30
Supplemental Nutrition Assistance Program Access Review	2006	33
Supplemental Nutrition Assistance Cost of Living Increases	2006	40
Eliminating the Rights and responsibilities Penalty Warning Form (RR/SNAP -IB) AS A Separate Signature Page	2006	53

Appendix G-2

Pertinent Field Operations Memo	Year	Number
Verification of Dependent Care Expenses	2007	19
Calculation for Legal Permanent Residents Who Do Not Provide Sponsor deeming Information	2007	26
Averaging Student Work Hours	2007	44
Work Requirement Exemption Changes	2008	2
Extending Supplemental Nutrition Assistance Certification Periods	2008	14
Maximized Categorical Eligibility for NPA Food Stamp Households	2008	27
SNAP: The Temporary Suspension of ABAWD Rules Based on the American Recovery and Reinvestment Act (Issued 5/29/2009)	2009	33
SNAP — Fall 2011 Heat and Eat (H-EAT) Program Update (Issued 10/25/2011)	2011	52