

## **IDAPA 16 – IDAHO DEPARTMENT OF HEALTH AND WELFARE**

### **Division of Welfare**

#### **16.03.04 – Idaho Food Stamp Program**

##### **Who does this rule apply to?**

*For those seeking nutrition assistance under the Idaho Food Stamp Program (also known as the Supplemental Nutrition Assistance Program - SNAP).*

##### **What is the purpose of this rule?**

*The purpose of these rules is to raise the nutritional level among low-income households whose limited food purchasing power contributes to hunger and malnutrition among members of such households. These rules contain the eligibility criteria for those seeking to receive benefits under the Idaho Food Stamp Program administered by the Department of Health and Welfare for the United States Department of Agriculture.*

##### **What is the legal authority for the agency to promulgate this rule?**

*This rule implements the following statute passed by the Idaho Legislature:*

Public Assistance and Welfare -

Public Assistance Law:

- [Section 56-203, Idaho Code](#) – Powers of State Department

##### **Where can I find information on Administrative Appeals?**

*Administrative appeals and contested cases are governed by the provisions of IDAPA 16.05.03, “Contested Case Proceedings and Declaratory Rulings.”*

##### **How do I request public records?**

*Unless exempted, all public records are subject to disclosure by the Department that will comply with Title 74, Chapter 1, Idaho Code, upon requests. Confidential information may be restricted by state or federal law, federal regulation, and IDAPA 16.05.01, “Use and Disclosure of Department Records.”*

##### **Who do I contact for more information on this rule?**

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Webpage: <https://healthandwelfare.idaho.gov/services-programs/food-assistance/about-snap>

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## 16.03.04 – IDAHO FOOD STAMP PROGRAM

### **000. LEGAL AUTHORITY.**

Sections 56-202, 56-203, and 56-209, Idaho Code, authorizes the Department to enter into contracts and agreements with the federal government and to engage in rulemaking for the administration and management of public assistance or welfare services. (7-1-24)

### **001. -- 007. (RESERVED)**

### **008. AUDIT, INVESTIGATION AND ENFORCEMENT.**

The Department may audit, investigate and take enforcement action under these rules and the provisions of IDAPA 16.05.07, "Investigation and Enforcement of Fraud, Abuse or Misconduct." (7-1-24)

### **009. (RESERVED)**

### **010. DEFINITIONS A THROUGH D.**

**01. Adequate Notice.** Notice a household must receive on or before the first day of the month an action by the Department is effective. (7-1-24)

**02. Administrative Error Claim.** A claim resulting from an overissuance caused by the Department's action or failure to act. (7-1-24)

**03. Aid to the Aged, Blind and Disabled (AABD).** Cash, excluding in-kind assistance, financed by federal, state, or local government and provided to cover living expenses or other basic needs. (7-1-24)

**04. Application for Participation.** The application form filed by the head of the household or authorized representative. (7-1-24)

**05. Authorized Representative.** A person designated by the household to act on behalf of the household to apply for, or receive and use Food Stamps. (7-1-24)

**06. Battered Women and Children's Shelter.** A shelter for battered women and children which is a public or private nonprofit residential facility. (7-1-24)

**07. Boarder.** An individual paying a reasonable amount for meals and lodging. (7-1-24)

**08. Boarding House.** A licensed commercial enterprise offering meals and lodging for payment to make a profit. (7-1-24)

**09. Broad-Based Categorical Eligibility.** If a participant meets the eligibility requirements found in 7 CFR Section 273.2(j)(2) and also all other Food Stamp eligibility criteria, then the participant is eligible for Food Stamps. Participants who are eligible under this definition are also subject to resource, gross, and net income eligibility standards. (7-1-24)

**10. Categorical Eligibility.** If all household members receive or are authorized to receive monthly cash payment through TAFI, AABD, or SSI, the household is categorically eligible. Categorically eligible households are exempt from resource, gross, and net income eligibility standards. (7-1-24)

**11. Certification Period.** The period for which a household is certified to receive Food Stamp benefits. The month of application counts as the first month of certification. (7-1-24)

**12. Contact (Six-Month).** A recertification that waives the interview requirement, allowing for written contact and verification of the participant's circumstances in lieu of the interview. (7-1-24)

**13. Claim Determination.** The action taken by the Department establishing the household's liability for repayment when an overissuance of Food Stamps occurs. (7-1-24)

**14. Department.** The Idaho Department of Health and Welfare. (7-1-24)

**15. Disqualified Household Members.** Individuals required to be excluded from participation in the Food Stamp Program are Disqualified Household Members. (7-1-24)

**011. DEFINITIONS E THROUGH L.**

- 01. Electronic Benefit Transfer (EBT).** A method of issuing Food Stamps to an eligible household. (7-1-24)
- 02. Eligible Foods.** Any food or food product for human consumption excluding alcohol, tobacco, and hot food products ready for immediate consumption. Eligible foods also include garden seeds and plants to grow food for human consumption. (7-1-24)
- 03. Eligible Household.** A household living in Idaho and meeting the eligibility criteria in these rules. (7-1-24)
- 04. Exempt.** A household member who is not required to register for, or participate in, the JSAP program is exempt. A household member who is not required to register for work is exempt. (7-1-24)
- 05. Extended Certification Household (EC).** A household in which all members are elderly or disabled, and no one has earned income. (7-1-24)
- 06. Fair Hearing.** A fair hearing in an appeal of a Department decision. (7-1-24)
- 07. Federal Fiscal Year (FFY).** The period from October 1 to September 30. (7-1-24)
- 08. Field Office.** A Department service delivery site. (7-1-24)
- 09. Food and Nutrition Service (FNS).** The federal entity under the US Department of Agriculture (USDA) that administers the Food Stamp program. (7-1-24)
- 10. Group Living Arrangement.** A public or private nonprofit residential setting serving no more than sixteen (16) residents. The residents are blind or disabled and receiving benefits under Title II or XVI of the Social Security Act, certified by the Department under Section 1616(e) of the Social Security Act, or under standards determined by the Secretary of USDA to be comparable to Section 1616(e) of the Social Security Act. (7-1-24)
- 11. Homeless Person.** A person: (7-1-24)
- a.** Who has no fixed or regular nighttime residence. (7-1-24)
  - b.** Whose primary nighttime residence is a temporary accommodation for not more than ninety (90) days in the home of another individual or household. (7-1-24)
  - c.** Whose primary nighttime residence is a temporary residence in a supervised public or private shelter providing temporary residence for homeless persons. (7-1-24)
  - d.** Whose primary nighttime residence is a temporary residence in an institution which provides temporary residence for people who are being transferred to another institution. (7-1-24)
  - e.** Whose primary nighttime residence is a temporary residence in a public or private place which is not designed or customarily used as sleeping quarters for people. (7-1-24)
- 12. Homeless Meal Provider.** A public or private nonprofit establishment or a profit-making restaurant that provides meals to homeless people. The establishment or restaurant must be approved by the Department and authorized as a retail food store by FNS. (7-1-24)
- 13. Identification Card.** The card identifying the bearer as eligible to receive and use Food Stamps. (7-1-24)
- 14. Inadvertent Household Error Claim (IHE).** A claim resulting from an overissuance, caused by the household's misunderstanding or unintended error. (7-1-24)

**15. Income and Eligibility Verification System (IEVS).** A system of information acquisition and exchange for income and eligibility verification which meets Section 1137 of the Social Security Act requirements. (7-1-24)

**16. Institution of Higher Education.** Any institution that normally requires a high school diploma or equivalency certificate for enrollment. These institutions include colleges, universities, and business, vocational, technical, or trade schools at the post-secondary level. (7-1-24)

**17. Institution of Post-Secondary Education.** Educational institutions normally requiring a high school diploma or equivalency certificate for enrollment or admits persons beyond the age of compulsory school attendance. The institution must be legally authorized by the state and provide a program of training to prepare students for gainful employment. (7-1-24)

**18. Legal Noncitizen.** A qualified alien under 8 USC Section 1641(b). (7-1-24)

**19. Limited Utility Allowance (LUA).** Utility deduction given to a food stamp household that has a cost for more than one (1) utility. This includes electricity and fuel for purposes other than heating or cooling, water, sewage, well and septic tank installation and maintenance, telephone, and garbage or trash collection. (7-1-24)

## **012. DEFINITIONS M THROUGH Z.**

**01. Migrant Farmworker Household.** Has a member who travels from community to community to do agricultural work. (7-1-24)

**02. Minimum Utility Allowance (MUA).** Utility deduction given to a food stamp household that has a cost for one (1) utility that is not heating, cooling, or telephone. (7-1-24)

**03. Nonexempt.** A household member who must register for work and participate in the JSAP program. (7-1-24)

**04. Nonprofit Meal Delivery Service.** A political subdivision or a private nonprofit organization that prepares and delivers meals and is authorized to accept Food Stamps. (7-1-24)

**05. Overissuance.** The amount Food Stamps issued exceeds the Food Stamps a household was eligible to receive. (7-1-24)

**06. Parental Control.** Means that an adult household member has a minor in the household who is dependent financially or otherwise on the adult. Minors living with children of their own are not under parental control. (7-1-24)

**07. Participant.** A person who receives Food Stamp benefits. (7-1-24)

**08. Program.** The Food Stamp Program created under the Food Stamp Act and administered in Idaho by the Department. (7-1-24)

**09. Recertification.** A recertification is a process for determining ongoing eligibility for Food Stamps. (7-1-24)

**10. Retail Food Store.** For Food Stamp purposes means: (7-1-24)

**a.** An establishment, or recognized department of an establishment, or a house-to-house food trade route, whose food sales volume is more than fifty percent (50%) staple food items for home preparation and consumption. (7-1-24)

**b.** Public or private communal dining facilities and meal delivery services. (7-1-24)

- c. Private nonprofit drug addict or alcohol treatment and rehabilitation programs. (7-1-24)
- d. Public or private nonprofit group living arrangements. (7-1-24)
- e. Public or private nonprofit shelters for battered women and children. (7-1-24)
- f. Private nonprofit cooperative food purchasing ventures, including those whose members pay for food prior to the receipt of the food. (7-1-24)
- g. A farmers' market. (7-1-24)
- h. An approved public or private nonprofit establishment that feeds homeless persons. The establishment must be approved by FNS. (7-1-24)
- 11. **Sanction.** A penalty period when an individual is ineligible for Food Stamps. (7-1-24)
- 12. **Seasonal Farmworker Household.** Has a member who does agricultural work of a seasonal or other temporary nature. (7-1-24)
- 13. **Self-Employment.** The process of actively earning income directly from one's own business, trade, or profession. To be considered self-employed, a person is responsible for obtaining or providing a service or product that generates, or is expected to generate, income. (7-1-24)
- 14. **Spouse.** Persons who are legally married under Idaho law. (7-1-24)
- 15. **Standard Utility Allowance (SUA).** Utility deduction given to a food stamp household that has a cost for heating or cooling. (7-1-24)
- 16. **State.** Any of the fifty (50) States, the District of Columbia, Puerto Rico, Guam, Northern Mariana Islands, and Virgin Islands of the United States. (7-1-24)
- 17. **Student.** An individual between the ages of eighteen (18) and fifty (50), physically and intellectually fit, and enrolled at least half-time in an institution of higher education. An institution of higher education usually requires a high school or general equivalency diploma for enrollment. This includes colleges, universities, and vocational or technical schools at the post-secondary school level. (7-1-24)
- 18. **Substance Use Disorder Treatment Program.** Any drug or alcohol rehabilitation program conducted by a private nonprofit organization or institution or a publicly operated community mental health center under Part B of Title XIX of the Public Health Service Act (42 USC 300x, et seq.). Indian reservation-based centers may qualify if FNS requirements are met and the program is funded by the National Institute on Alcohol Abuse under Public Law 91-616 or was transferred to Indian Health Service funding. (7-1-24)
- 19. **Supplemental Security Income (SSI).** Monthly cash payments under Title XVI of the Social Security Act. Payments include state or federally administered supplements. (7-1-24)
- 20. **Systematic Alien Verification for Entitlements (SAVE).** The federal automated system that provides immigration status needed to determine an applicant's eligibility for many public benefits, including Food Stamps. (7-1-24)
- 21. **Telephone Utility Allowance (TUA).** Utility deduction given to a Food Stamp household that has a cost for telephone services and no other utilities. (7-1-24)
- 22. **Timely Notice.** Notice that is mailed electronically, at least ten (10) days before the effective date of an action taken by the Department. (7-1-24)
- 23. **Tribal General Assistance.** Cash, excluding in-kind assistance, financed by federal, state, or local government and provided to cover living expenses or other basic needs. (7-1-24)

**24. Verification.** Third party data or documents used to prove the accuracy of information used to make an eligibility determination. (7-1-24)

**25. Verified Upon Receipt.** Information received from certain authorized automated system matches that are considered automatically verified unless questionable. (7-1-24)

**26. Written Notice.** Correspondence that is generated by any method including handwritten, typed, or electronic, delivered to the customer by hand, U.S. Mail, professional delivery service, or by any electronic means. The terms “notice” and “written notice” are used interchangeably. (7-1-24)

**013. ABBREVIATIONS A THROUGH G.**

- 01. AABD.** Aid to the Aged, Blind, and Disabled. (7-1-24)
- 02. ABAWD.** Able-bodied adults without dependents. (7-1-24)
- 03. AE.** Administrative Error. (7-1-24)
- 04. AFA.** Application for Assistance. (7-1-24)
- 05. CSS.** Bureau of Child Support Services. (7-1-24)
- 06. DHW.** Department of Health and Welfare in Idaho. (7-1-24)
- 07. EBT.** Electronic Benefit Transfer. (7-1-24)
- 08. EWS.** Enhanced Work Services. (7-1-24)
- 09. FNS.** Food and Nutrition Service of the USDA. (7-1-24)
- 10. FFY.** Federal fiscal year. (7-1-24)
- 11. FPG.** Federal Poverty Guideline(s). (7-1-24)
- 12. FQC.** Federal Quality Control. (7-1-24)
- 13. HUD.** US Department of Housing and Urban Development. (7-1-24)

**014. ABBREVIATIONS I THROUGH Z.**

- 01. IHE.** Inadvertent household error. (7-1-24)
- 02. IPV.** Intentional program violation. (7-1-24)
- 03. IRS.** Internal Revenue Service. (7-1-24)
- 04. JSAP.** Job Search Assistance Program. (7-1-24)
- 05. LUA.** Limited utility allowance. (7-1-24)
- 06. MUA.** Minimum utility allowance. (7-1-24)
- 07. PA.** Public Assistance. (7-1-24)
- 08. RSDI.** Retirement, Survivors, Disability Insurance received from SSA. (7-1-24)

- 09.     **SAVE.** Systematic Alien Verification for Entitlements. (7-1-24)
- 10.     **SDX.** State Data Exchange. (7-1-24)
- 11.     **SQC.** State Quality Control. (7-1-24)
- 12.     **SUA.** Standard utility allowance. (7-1-24)
- 13.     **SSA.** Social Security Administration. (7-1-24)
- 14.     **SSI.** Federal Supplemental Security Income Program for the aged, blind, or disabled. (7-1-24)
- 15.     **SSN.** Social Security Number. (7-1-24)
- 16.     **TAFI.** Temporary Assistance for Families in Idaho. (7-1-24)
- 17.     **TOP.** Treasury Offset Program. (7-1-24)
- 18.     **TUA.** Telephone Utility Allowance. (7-1-24)
- 19.     **UI.** Unemployment Insurance. (7-1-24)
- 20.     **USDA.** U S Department of Agriculture. (7-1-24)
- 21.     **VA.** Veterans Administration. (7-1-24)
- 22.     **WIOA.** Workforce Innovation and Opportunity Act. (7-1-24)

**015. -- 098.     (REERVED)**

**099.     SIGNATURES.**

An individual who is applying for benefits, receiving benefits, or providing additional information as required in these rules, may do so with the representation of the individual's name either handwritten, electronic, or recorded telephonically. Such signature serves as intention to execute or adopt the sound, symbol, or process for the purpose of signing the related record. (7-1-24)

**100.     APPLICATION.**

To apply for Food Stamps, the household or an authorized representative must complete and file an application with the Department, complete an interview, and verify information. There is no age requirement for applicants. Applicants may bring anyone to the interview. The Department will act on all applications and will grant Food Stamps to eligible households back to the date of application. (7-1-24)

**101.     APPLICATION FORMS.**

Households can file an application the first day they contact the Department. The Department will have AFA forms readily available to households and will provide an AFA to any person making a request. Requests for the application can be made by telephone, in person, or by another person. The Department will mail or give the AFA to the person on the day requested. (7-1-24)

**102.     (REERVED)**

**103.     FILING AN APPLICATION.**

The AFA must contain the applicant's name, address, signature, and application date. A household can file for Food Stamps by turning in page one of the AFA to the Food Stamp office. This protects the application date. If the household is eligible, Food Stamps for the first month will be prorated from the application date. The AFA can be submitted at the field office by the household or authorized representative. The AFA can be submitted by mail, fax, or email. (7-1-24)

**104. -- 105. (RESERVED)**

**106. DETERMINATION OF WHEN A NEW APPLICATION FOR ASSISTANCE (AFA) IS REQUIRED.**

The Department must follow the procedure outlined in 7 CFR 273.2(g) and (h) in determining when a food stamp household is required to fill out a new AFA. (7-1-24)

**107. -- 112. (RESERVED)**

**113. HOUSEHOLD COOPERATION.**

The household must cooperate with the Department. The application must be denied if the household refuses to cooperate. Refusal to cooperate includes failing to act without a sound and timely excuse. Giving false information on purpose is failure to cooperate. If an application is denied or Food Stamps are stopped for refusal to cooperate, the household may reapply. The household is not eligible until it cooperates with the Department. (7-1-24)

**114. APPLICATION WITHDRAWAL.**

Households can withdraw their application any time before the eligibility decision. The Department will document the case record with the withdrawal reason. The Department will tell the household of the right to reapply. (7-1-24)

**115. AUTHORIZED REPRESENTATIVE.**

The household can choose a nonhousehold member to act as an authorized representative. The household can designate in writing another responsible household member or a responsible adult outside the household as an authorized representative. An adult employee of an authorized substance use disorder treatment and rehabilitation center, or an authorized group living arrangement center, may act as an authorized representative for the household. Conditions for an authorized representative are: (7-1-24)

**01. Designating Authorized Representative.** Households may designate an authorized representative to act on behalf of a household to apply for, receive, or use food stamps. The authorized representative should be aware of household circumstances. (7-1-24)

**02. Persons Who Cannot Be an Authorized Representative.** Persons with a conflict of interest may not act as an authorized representative without the Department's written approval. The field office supervisor must determine if no one else is available and give written approval. Persons with a conflict of interest are listed below: (7-1-24)

- a.** Retailers allowed to accept Food Stamps. (7-1-24)
- b.** Department employees involved in the certification or issuance process. (7-1-24)
- c.** A person disqualified for IPV during the penalty period, unless they are the only adult household member and no one else is available. (7-1-24)
- d.** Homeless meal providers. (7-1-24)

**03. Department Responsibilities.** The Department will: (7-1-24)

- a.** Make sure authorized representatives are properly selected. (7-1-24)
- b.** Record the representative's name in the case record. (7-1-24)
- c.** Inform the household it will be liable for any overissuance resulting from wrong information given by the representative. (7-1-24)
- d.** Make sure the household freely requested the representative. (7-1-24)

**04. Authorized Representative Removed.** The Department may remove an authorized representative for up to one (1) year if the person knowingly gives false information, or improperly uses the Food Stamps. This



provision does not apply to substance use disorder centers and group homes. Written notice must be sent to the household and the authorized representative thirty (30) days before the penalty begins. The notice must list: (7-1-24)

- a. The proposed action. (7-1-24)
- b. The reason for the action. (7-1-24)
- c. The right to a fair hearing. (7-1-24)
- d. The name and telephone number to contact for more information. (7-1-24)

**05. Authorized Representatives for Substance Use Disorder Treatment Centers and Group Homes.** Substance use disorder treatment centers and the heads of group living arrangements that act as authorized representatives for their residents, and which intentionally misrepresent households' circumstances, may be prosecuted under applicable federal and state statutes for their acts. (7-1-24)

**116. -- 119. (RESERVED)**

**120. HOUSEHOLD INTERVIEWS.**

The Department must conduct an interview with the applicant, a member of the household, or the authorized representative. Interviews must be conducted either face-to-face or via telephone. The frequency of the interview must be as follows: (7-1-24)

**01. Twenty-Four Months.** At least once every twenty-four (24) months for households certified for twenty-four (24) months. (7-1-24)

**02. Twelve Months.** Every twelve (12) months for all other households. (7-1-24)

**121. -- 132. (RESERVED)**

**133. VERIFICATION.**

The Department must have verification to support the benefit determination. The Department must give the applicant household a clear written statement of the proof to bring to the interview. The statement will indicate the Department will help the household get proof, if needed. The Department must give the household ten (10) calendar days from the request date to provide proof. Proof can be provided in person, by mail, or by electronic interfaces. If the proof supplied is questionable, the Department can require further proof. The Department will notify the household of any other steps necessary to complete the application process. (7-1-24)

**134. (RESERVED)**

**135. SOURCES OF VERIFICATION.**

The following sources of verification must be considered: (7-1-24)

**01. Written Confirmation.** A primary source of proof is written confirmation of circumstances. Written proof includes driver's licenses, work or school identification, birth certificates, wage stubs, award letters, court orders, divorce decrees, separation agreements, insurance policies, rent receipts, and utility bills. Acceptable proof is not limited to a single document. Proof can be obtained from the household or other sources. Secondary sources of proof must be used to verify a household's circumstances if the primary source cannot be obtained or does not prove eligibility or benefit level. (7-1-24)

**02. Collateral Contact.** An oral confirmation of a household's circumstances by a person outside of the household. The collateral contact may be made either in-person or over the telephone. (7-1-24)

**03. Automated System Data.** Information that is obtained through interfacing with other government agency computer systems or authorized systems. (7-1-24)

**136. (RESERVED)**

**137. PROOF FOR QUESTIONABLE INFORMATION.**

Prior to the certification, a six-month or twelve-month contact, or recertification of the household, the Department must verify all questionable information regarding eligibility and benefit level. Proof is required when details are not consistent with information received by the Department. Proof may be obtained either verbally or in writing. (7-1-24)

**138. PROVIDING PROOF TO SUPPORT APPLICATION STATEMENTS.**

The household has primary responsibility to provide proof supporting its statements on the application and to resolve any questionable information. The Department must assist the household in obtaining proof. Households may supply proof in person, or by mail, facsimile, or other electronic interfaces. The Department will not require the household to present proof in person. (7-1-24)

**139. -- 141. (RESERVED)**

**142. PROCESSING STANDARDS.**

The Department will determine Food Stamp eligibility within thirty (30) days of the application date. The application date is the day the AFA is received and date stamped by the field office. The application date for a person released from a public institution is the release date if the person applied for Food Stamps before their release. The AFA must contain at least the applicant's name and address and be signed by a responsible household member or representative. (7-1-24)

**143. -- 145. (RESERVED)**

**146. DENIAL OF FOOD STAMP APPLICATION.**

The Department will deny the Food Stamp application under conditions listed below and send the household notice of denial. (7-1-24)

**01. Household Ineligible.** The Department will deny the application for ineligible households as soon as possible, but not later than thirty (30) calendar days following the application date. (7-1-24)

**02. Household Fails to Appear for Interview.** If the household fails to appear for an interview, and fails to contact the Department, the application will be denied thirty (30) calendar days after the application date. (7-1-24)

**03. Household Does Not Provide Proof After Interview.** If the household did not provide requested proof after an interview or later request, the Department will deny the application ten (10) calendar days after the request for proof. (7-1-24)

**147. DELAYS IN PROCESSING.**

The Department must follow the procedure outlined in 7 CFR 273.2(h) in determining the appropriate action to take on food stamp benefits when there are delays in completing the application process. (7-1-24)

**148. -- 154. (RESERVED)**

**155. EXPEDITED SERVICE ELIGIBILITY.**

Applicants must be screened to determine if the household is entitled to expedited service. The household must meet one (1) of the expedited service criteria below. The household must have provided proof postponed by the last expedited service or have been certified under the normal standards since the last expedited service. (7-1-24)

**01. Low Income and Resources.** To receive expedited services, the household's monthly countable gross income must be less than one hundred fifty dollars (\$150) and the household's liquid resources must not exceed one hundred dollars (\$100). (7-1-24)

**02. Destitute.** To receive destitute expedited services, the household must be a destitute migrant or seasonal farmworker household. The household's liquid resources must not exceed one hundred dollars (\$100). (7-1-24)

**03. Income Less Than Rent and Utilities.** The household's combined monthly gross income and liquid resources are less than their monthly rent or mortgage, and utilities cost. (7-1-24)

**156. TIME LIMITS FOR EXPEDITED FOOD STAMPS.**

Time limits for acting on expedited Food Stamp applications are listed below: (7-1-24)

**01. Seven Day Limit for Food Stamps.** For households entitled to expedited service, the Department will provide Food Stamps to the household within seven (7) days of the application date. (7-1-24)

**02. Seven Days After Discovery.** If not discovered at initial screening, the Department will provide expedited services to an expedite-eligible household within seven (7) days, which begins the day after the Department finds the household is entitled to expedited service. (7-1-24)

**03. Seven Days for Waived Interview.** The Department will provide expedited services within seven (7) days of the application date for households entitled to an office interview waiver. Seven (7) days is counted from the application date. (7-1-24)

**157. EXPEDITED FOOD STAMP WORK REGISTRATION.**

The applicant must complete work registration unless they are exempt or have a representative register them. Other non-exempt household members must register if the registration can be done in seven (7) days. (7-1-24)

**158. EXPEDITED VERIFICATION.**

The Department will verify the applicant's identity through readily available proof or a collateral contact. Proof may include identification such as a driver's license, birth certificate, or voter registration card. The Department will try to get proof so that benefits can be issued within seven (7) days of the application date. Expedited Food Stamps must not be delayed beyond seven (7) days for proof other than identity. Other proof can be postponed to issue expedited Food Stamps. (7-1-24)

**159. (RESERVED)**

**160. EXPEDITED CERTIFICATION.**

If all required proof is provided for expedited certification, a normal certification period is assigned. Certification based on application date, household type, and proof is listed below: (7-1-24)

**01. Non-migrant Household Applying from the First Through the Fifteenth of the Month.**

(7-1-24)

**a.** For a non-migrant household applying from the first through the fifteenth of the month, if proof of eligibility factors is postponed, assign a normal certification period; the Department will issue the first month's benefits. The Department will not issue the second month's benefits until the postponed proof is received. (7-1-24)

**b.** When proof is postponed, the household has thirty (30) days from the application date to provide the proof. The household must be given timely and adequate notice that no further benefits will be issued until proof is completed. If the proof results in changes in the household's Food Stamps, the Department will act on the changes without advance notice. (7-1-24)

**c.** If postponed proof is provided before the second month, the Department will process an issuance for the first working day of the second month. If proof is provided in the second month, the Department will issue benefits within seven (7) calendar days from the date the proof is received. If postponed proof is not provided within thirty (30) days from the application date, the Department will close the case. (7-1-24)

**02. Non-migrant Household Applying from the Sixteenth Through the End of the Month.**

(7-1-24)

**a.** For a non-migrant household applying from the sixteenth to the end of the month, if proof of eligibility factors is postponed, the Department will assign a normal certification period, and issue the first- and second-month's benefits within the expedited time frame. (7-1-24)

**b.** When proof is postponed, the household has thirty (30) days from the application date to complete the proof. The household must be given timely and adequate notice that no further benefits will be issued until proof is completed. If the proof results in changes in the household's Food Stamps, the Department will act on the changes without advance notice. (7-1-24)

**c.** If postponed proof is provided within thirty (30) days, the Department will process an issuance for the first working day of the third month. If postponed proof is not provided within thirty (30) days from the application date, the Department will close the case. (7-1-24)

**03. Migrant Household Applying from the First Through the Fifteenth of the Month. (7-1-24)**

**a.** For a migrant household applying from the first (1st) through the fifteenth (15th) of the month, if proof of eligibility factors is postponed, the Department will assign a normal certification period, and issue the first month's benefits. (7-1-24)

**b.** When proof is postponed, the household has thirty (30) days from the application date to complete in-state proof. The household has sixty (60) days from the application date to complete out-of-state proof. The household must be given adequate and timely notice no further benefits will be issued until the postponed proof is completed. Before the second month's benefits are issued, the household must provide all in-state postponed proofs. Before the third month's benefits are issued, the household must provide all out-of-state postponed proof. If the proofs result in changes in the household's Food Stamps, the Department will act on these changes, without providing advance notice. (7-1-24)

**c.** Migrants are entitled to postponed out-of-state proof only once each season. If postponed in-state proof is provided before the second month, the Department will process an issuance for the first working day of the second month. If postponed out-of-state proof is provided before the third month, the Department will process a regular issuance for the third month. If postponed out-of-state proof is provided in the third month, the Department will issue benefits within seven (7) calendar days from the date proof is received. If postponed in-state proof is not provided within thirty (30) days from the application date, the Department will close the case. If postponed out-of-state proof is not provided within sixty (60) days from the application date, the Department will close the case. (7-1-24)

**04. Migrant Household Applying from the Sixteenth Through the End of the Month. (7-1-24)**

**a.** For a migrant household applying from the Sixteenth to the end of the month, if proof of eligibility factors is postponed, the Department will assign a normal certification period, and issue the first- and second-months' benefits within the expedited time frame. (7-1-24)

**b.** When proof is postponed, the household has thirty (30) days from the application date to provide in-state proof. The household has sixty (60) days from the application date to provide out-of-state proof. The household must be given adequate and timely notice no further benefits will be issued until the postponed proof is completed. Before the third month's benefits are issued, the household must provide all in-state and out-of-state postponed proofs. If the proofs result in changes in the household's Food Stamps, the Department will act on these changes without providing advance notice. (7-1-24)

**c.** Migrants are entitled to postponed out-of-state proof only once each season. If postponed proof is provided before the third month, the Department will process a regular issuance for the third month. If postponed out-of-state proof is provided in the third month, the Department will issue benefits within seven (7) calendar days from the date proof is received. If postponed in-state proof is not provided within thirty (30) days from the application date, the Department will close the case. If postponed out-of-state proof is not provided within sixty (60) days from the application date, the Department will close the case. (7-1-24)

**05. Reapplying Household.** When a household granted postponed proof at the last expedited certification reapplies, it must provide the postponed proof before it is again eligible for expedited certification. The Department does not require postponed proof if the household was certified under normal standards since the last expedited certification. (7-1-24)

**161. NO LIMIT TO EXPEDITED CERTIFICATIONS.**

There is no limit to the number of times a household can receive expedited certification. (7-1-24)

**162. EXPEDITED SERVICES FOR DESTITUTE HOUSEHOLDS.**

Migrant or seasonal farmworker households meeting destitute conditions below can get expedited services. The rules for destitute households apply at initial application, the six-month or twelve-month contact, and recertification, but only for the first month of each contact or certification period. (7-1-24)

**01. Terminated Source of Income.** When the household's only income for the application month was received before the application date and was from a terminated source the Department will consider the household destitute. Terminated income is income received monthly or more often, no longer received from the same source the rest of the application month, or the next month or income received less often than monthly and not expected in the month the next regular payment is normally due. (7-1-24)

**02. New Income in Application Month.** When only new income is expected in the application month, the household is considered destitute. Only twenty-five dollars (\$25), or less, of new income can be received in the ten (10) days after the application date. Income is new if twenty-five dollars (\$25), or less, is received during the thirty (30) days before the application date. New income was received less often than monthly, was not received in the last normal payment interval, or was twenty-five dollars (\$25) or less. (7-1-24)

**03. Terminated Income and New Income in Application Month.** Destitute households can get terminated income before the application date and new income before and after the application date. New income must not be received for ten (10) days after application and not exceed twenty-five dollars (\$25). The household must get no other income in the application month. (7-1-24)

**04. Application Month.** For the application month, the Department will count only income received between the first day of the month and the application date, and will not count income from a new source expected after the application date. (7-1-24)

**163. SPECIAL CONSIDERATION OF INCOME FOR DESTITUTE HOUSEHOLDS.**

Special consideration of income for destitute households is listed below. The rules for destitute households apply at initial application, a six-month or twelve-month contact, and recertification, but only for the first month of each contact or certification period. (7-1-24)

**01. Travel Advances.** For destitute eligibility and benefit level, travel advances: (7-1-24)

**a.** From employers for travel costs to a new employment location are excluded. (7-1-24)

**b.** Against future wages are counted as income, but not a new source of income. (7-1-24)

**02. Household Member Changes Job.** A person changing jobs with the same employer is still getting income from the same source. A migrant's income source is the grower, not the crew chief. When a migrant moves with a crew chief from one (1) grower to another, the income from the first grower is ended. The income from the next grower is new income. (7-1-24)

**03. Recertification or Six-Month or Twelve-Month Contact.** The Department will disregard income from the new source for the first month of the new certification period if more than twenty-five dollars (\$25) will not be received by the tenth calendar day after the normal issuance. (7-1-24)

**164. DENIAL OF EXPEDITED SERVICE.**

The Department will deny expedited service if the household does not meet expedite criteria or fails to cooperate in the application process. Failure to cooperate includes missing a scheduled expedited service appointment. The Department will still process the application under standard methods. (7-1-24)

**165. CONTESTING DENIED EXPEDITED SERVICE.**

The Department will offer an agency conference to a household contesting denial of expedited services. The

Department will tell households they can request an agency conference; the conference will not delay or replace a fair hearing. Migrant farmworker households and households planning to move are entitled to expedited fair hearings. (7-1-24)

**166. -- 177. (RESERVED)**

**178. CATEGORICALLY ELIGIBLE HOUSEHOLDS.**

Households with all members meeting one (1) of the criteria below are categorically eligible for Food Stamps. The Department will not compute resource eligibility, gross or net income limits, social security number information, sponsored alien information, and residency. Categorically eligible households must meet all other Food Stamp eligibility criteria, and have the same rights as other households. (7-1-24)

**01. Cash Benefits.** All household members are approved for or already receive TAFI, AABD, or SSI cash benefits. (7-1-24)

**02. Benefits Recouped.** All household members have AABD or SSI benefits being recouped. (7-1-24)

**03. Grant Less Than Ten Dollars.** All household members not receiving TAFI, AABD, or SSI because their grant is less than ten dollars (\$10). (7-1-24)

**179. HOUSEHOLDS NOT CATEGORICALLY ELIGIBLE.**

The households listed below are not categorically eligible for Food Stamps. (7-1-24)

**01. IPV.** Households are not categorically eligible, if any household member is disqualified for a Food Stamp IPV. (7-1-24)

**02. Work Requirements.** Households are not categorically eligible, if any household member fails to comply with the Food Stamp work requirements. (7-1-24)

**03. Ineligible Legal Non-Citizen or Student.** Households are not categorically eligible if any member is an ineligible legal non-citizen or ineligible student. (7-1-24)

**04. Nonexempt Institution.** Households are not categorically eligible if any member is a person living in a nonexempt institution. (7-1-24)

**180. CATEGORICAL ELIGIBILITY ENDS.**

Categorical eligibility ends when the household member is no longer eligible for TAFI, AABD, or SSI. If the household is still eligible under Food Stamp rules, the household will continue to receive Food Stamps. If categorical eligibility ends and household income or resources exceed the Food Stamp limits, the household is no longer eligible for Food Stamps. Food Stamps will stop after timely advance notice. (7-1-24)

**181. BROAD -BASED CATEGORICALLY ELIGIBLE HOUSEHOLD EXCEPTIONS.**

If a household contains any of the following members, the household is not eligible under Broad-Based Categorical Eligibility. (7-1-24)

**01. IPV.** Any household member is disqualified for an IPV. (7-1-24)

**02. Drug-Related Felony.** Any household member is ineligible because of a drug-related felony. (7-1-24)

**03. Strike.** Any household member is on strike. (7-1-24)

**04. Transferred Resources.** Any household member transferred resources to qualify for benefits. (7-1-24)

**05. Refusal to Cooperate.** Any household member refused to cooperate in providing information that is needed to determine initial or ongoing eligibility. (7-1-24)

**182. VERIFICATION FOR TAFI OR AABD HOUSEHOLDS.**

To determine eligibility for Food Stamps in TAFI or AABD households, the Department will use TAFI or AABD proof. (7-1-24)

**183. TIME LIMITS FOR CATEGORICALLY ELIGIBLE HOUSEHOLDS.**

The Food Stamp application must not be delayed or denied because of a delayed public assistance decision. (7-1-24)

**184. -- 194. (RESERVED)**

**195. DISASTER CERTIFICATION.**

When allowed by FNS, under Section 302(a) of the Disaster Relief Act of 1974, the Department can certify households affected by a natural disaster. If the Secretary of USDA declares a disaster area, the Department will follow disaster instructions issued by the USDA. (7-1-24)

**196. -- 199. (RESERVED)**

**200. NONFINANCIAL CRITERIA.**

Nonfinancial criteria are identification, residency, Social Security Number, citizenship, and work requirements. Households must meet these nonfinancial criteria to be eligible for Food Stamps. (7-1-24)

**201. IDENTIFICATION.**

The person making application for Food Stamps, including an authorized representative, must prove identity. Proof includes a driver's license, school identification, wage stubs, and birth certificates. The Department will accept other reasonable proof of identity. (7-1-24)

**202. RESIDENCY.**

A household must live in Idaho when applying for Food Stamps. A person can get Food Stamps as a member of only one (1) household a month. (7-1-24)

**01. Place of Residency.** An eligible Food Stamp household is not required to live in a permanent dwelling or have a fixed mailing address. There is no residence duration requirement. (7-1-24)

**02. Vacationing Persons Not Residents.** Persons in Idaho for vacation only are not residents for Food Stamp eligibility. Vacation is the period a household spends away from their usual activity, work, or home for travel, rest, or recreation. (7-1-24)

**03. Different Physical and Mailing Addresses.** The physical and mailing addresses of a Food Stamp household can be different. If the mailing address is not the household's physical address, the household must provide proof of the physical address. (7-1-24)

**203. SOCIAL SECURITY NUMBER (SSN) REQUIREMENT.**

**01. Expectations.** Before certification, households must provide the Department the SSN, or proof of application for SSN, for each household member. If a household member has more than one (1) SSN, they must provide all SSNs. Each SSN must be verified by the SSA. A household member with an unverified SSN is not eligible for Food Stamp benefits. The ineligible person's income and resources must be counted in the Food Stamp budget. If benefits are reduced or ended, because one (1) or more persons fail to meet the SSN requirement, the household must be notified in writing. (7-1-24)

**02. Good Cause for Not Applying for SSN.** If a household member can show good cause why an SSN application was not completed in a timely manner, an extension must be granted to allow them to receive Food Stamp benefits for one (1) month in addition to the month of application. Good cause for failure to apply must be shown monthly for such a household member to continue to participate. (7-1-24)

**204. CITIZENSHIP AND QUALIFIED NON-CITIZEN REQUIREMENTS.**

To be eligible for Food Stamps, an individual must meet the requirements under 7 CFR 273.4, "Citizenship and alien

status.” (7-1-24)

**205. WRITTEN DECLARATION OF CITIZENSHIP OR IMMIGRATION STATUS.**

To get Food Stamps, one (1) adult household member must certify by signing a statement, under penalty of perjury, regarding the citizenship and immigration status of household members applying for benefits. (7-1-24)

**206. PROOF OF PROPER IMMIGRATION STATUS.**

**01. Expectations.** Households are required to submit documents to verify the immigration status of the legal non-citizen applicants. (7-1-24)

**02. Failure to Provide Legal Non-Citizen Documents.** If a household says it is unable or unwilling to provide legal non-citizen status documents for a legal non-citizen household member, the legal non-citizen member must be classified as an ineligible legal non-citizen. (7-1-24)

**207. NON-CITIZEN ELIGIBILITY PENDING VERIFICATION.**

When an application is delayed after the Department has submitted a request to a federal agency for proof of eligible alien status, the Department must certify the person applying as eligible for Food Stamps pending the results of the investigation. The certification can last up to six (6) months from the date of the original request for proof. (7-1-24)

**208. -- 211. (RESERVED)**

**212. FOOD STAMP HOUSEHOLDS.**

A Food Stamp household is composed of a person, or group of persons, applying for or getting Food Stamps. The composition of Food Stamp households is listed below: (7-1-24)

**01. A Person Living Alone.** (7-1-24)

**02. Living with Others Preparing Separate Meals.** Person(s) living with others, but customarily purchasing food and preparing meals separately from the others. (7-1-24)

**03. Living with Others with Furnished Meals.** Person(s) living with others and being furnished both meals and lodging. The person(s) pays less than the thrifty food plan. (7-1-24)

**04. Living Together Preparing Common Meals.** A group of persons who live, purchase food, and customarily prepare meals together for home consumption. (7-1-24)

**05. Women Living in Shelter.** Women, or women with their children, temporarily residing in a shelter for battered women and children. (7-1-24)

**06. Living in Substance Use Disorder Treatment Center.** Person living in a publicly operated community health center or in a private nonprofit center for substance use disorder treatment and rehabilitation. (7-1-24)

**07. Resident of Group Living Center.** Person residing in a group living arrangement center certified by the Department. (7-1-24)

**213. SEPARATE FOOD STAMP HOUSEHOLD COMPOSITION FOR RELATED MEMBERS.**

One (1) of the conditions below must be met for related persons living together to be separate Food Stamp households. (7-1-24)

**01. Children Age Twenty-Two and Older Living With Parents.** Can be separate Food Stamp households. The households must purchase and prepare their food separately. (7-1-24)

**02. Households Must Prepare Food Together Because of Age and Disability.** Households that must purchase and prepare food together because one (1) household contains a person sixty (60) years old or older unable to purchase and prepare meals because of a disability, can be separate Food Stamp households. The spouse of the



disabled person must be considered a member of that person's household. These households must meet the following conditions: (7-1-24)

**a.** The disability must be permanent under the Social Security Act or a nondisease-related, severe permanent disability. (7-1-24)

**b.** The income of the household, which does not contain the person unable to purchase and prepare meals separately, must not exceed one hundred sixty-five percent (165%) of the net monthly income limit for the household size. To count income for the one hundred sixty-five percent (165%) net monthly income standard, exclude the income of the disabled person and their spouse. (7-1-24)

**c.** Count all available income to the household not containing the disabled person. Compare the net monthly income eligibility standard for that size household. (7-1-24)

**214. CHILD CUSTODY.**

For a child under eighteen (18) years old, the parent with primary physical custody is eligible to receive Food Stamp benefits for that child. If both parents request food stamp benefits for the child, primary custody is determined by where the child is expected to spend fifty-one percent (51%) or more of the nights during a certification period. When only one (1) parent applies for food stamp benefits, the child may be included in that parent's household even though they do not have primary physical custody of the child. (7-1-24)

**215. PERSONS NOT ELIGIBLE FOR SEPARATE FOOD STAMP HOUSEHOLD STATUS.**

Persons listed below cannot be separate Food Stamp households. For Food Stamps, they are part of the household where they live. (7-1-24)

**01. Spouses.** (7-1-24)

**02. Parents and Children Together.** Children under age twenty-two (22), living together with their parents. Parents and children living together include natural, adopted, or stepchildren. (7-1-24)

**03. Child Under Age Eighteen Under Parental Control.** A child under age eighteen (18) and under parental control of an adult household member, unless the child is a foster child. (7-1-24)

**216. ELDERLY OR DISABLED FOOD STAMP HOUSEHOLD MEMBERS.**

To be counted as an elderly or disabled Food Stamp household member, the person must meet one (1) of the following: (7-1-24)

**01. Age Sixty or Older.** (7-1-24)

**02. Entitled to SSI Benefits.** This includes SSI presumptive disability payments, SSI emergency advance payments, or special SSI status. (7-1-24)

**03. Entitled to Social Security Payments Based on Disability or Blindness (RSDI).** (7-1-24)

**04. State Supplement.** Entitled to state or federally funded State supplement payments to the SSI program such as AABD. (7-1-24)

**05. Entitled to Medicaid Based on SSI-Related Disability or Blindness.** (7-1-24)

**06. Disability Retirement.** Entitled to federal or state funded-disability retirement benefits because of a disability considered permanent by SSA. (7-1-24)

**07. Disabled Veteran.** A veteran with a service- or nonservice-connected disability rated or paid as total. (7-1-24)

**08. Veteran Needing Aid and Attendance.** A veteran considered in need of regular aid and attendance or permanently housebound under USC Title 38. (7-1-24)

**09. Veteran's Surviving Spouse.** In need of aid and attendance or permanently housebound. (7-1-24)

**10. Veteran's Surviving Child.** Permanently incapable of self-support under USC Title 38. (7-1-24)

**11. Veteran's Survivor Entitled.** A veteran's surviving spouse or child entitled to receive payment for a service-connected death under USC Title 38. The veteran's surviving spouse or child must be permanently disabled under Section 221(i) of the Social Security Act. A veteran's surviving spouse or child entitled to pension benefits for a nonservice death under USC Title 38. The veteran's surviving spouse or child must be permanently disabled under Section 221(i) of the Social Security Act. "Entitled" refers to veterans, surviving spouses, and children receiving pay or benefits, or who have been approved for payments, but are not yet receiving them. (7-1-24)

**12. Railroad Retirement and Medicare.** Entitled to an annuity payment under Section 2(a)(1)(iv) of the Railroad Retirement Act of 1974 and determined eligible for Medicare by the Railroad Retirement Board. (7-1-24)

**13. Railroad Retirement and Disability.** Entitled to an annuity payment under Section 2(a)(1)(v) of the Railroad Retirement Act of 1974 and is determined disabled by the Board under SSI criteria. (7-1-24)

**217. NONHOUSEHOLD MEMBERS.**

Nonhousehold members are persons not counted in determining Food Stamp household size. Their income and resources do not count toward the Food Stamp household. Nonhousehold members may be eligible as a separate household and are listed below: (7-1-24)

**01. Roomers.** A person who pays for lodging, but not meals. (7-1-24)

**02. Live-In Attendants.** A person living with a household to provide medical, housekeeping, child care, or other similar services. (7-1-24)

**03. Ineligible Students.** A person between the ages of eighteen (18) and fifty (50), physically and intellectually fit, enrolled at least half-time in an institution of higher education, and not meeting Food Stamp eligibility requirements for students. (7-1-24)

**04. Residents of Institutions.** A resident of an institution is an ineligible household member because the institution provides the resident over fifty percent (50%) of three (3) meals daily, as part of the normal services. The institution is not allowed to accept Food Stamps. (7-1-24)

**218. PERSONS DISQUALIFIED AS FOOD STAMP HOUSEHOLD MEMBERS.**

Persons disqualified as Food Stamp household members must not participate in the Food Stamp program. Disqualified household members include, but are not limited to, sanctioned individuals, fleeing felons, and ineligible non-citizens. Treatment of disqualified household members is described under 7 CFR 273.11(c). (7-1-24)

**219. CIRCUMSTANCES UNDER WHICH FOOD STAMP PARTICIPATION IS PROHIBITED.**

**01. Prohibition from Receiving Food Stamp Benefits.** An individual is prohibited from receiving Food Stamp benefits at the time of application if they: (7-1-24)

**a.** Receive tribal commodities; (7-1-24)

**b.** Are incarcerated; (7-1-24)

**c.** Are in an institution; (7-1-24)

**d.** Are in foster care and the foster parents are receiving a cash benefit for providing care and maintenance for the child; (7-1-24)

**e.** Receive Food Stamp benefits in another household; (7-1-24)

f. Are deceased; or (7-1-24)

g. Receive cash benefits in a TAFI Caretaker Relative household. (7-1-24)

**02. Prohibited Participation During the Certification Period.** If the Department learns of prohibited participation during the certification period, it will act to end benefits for that individual. (7-1-24)

**220. -- 225. (RESERVED)**

**226. JOB SEARCH ASSISTANCE PROGRAM (JSAP).**

**01. JSAP Status.** All household members, unless exempt, must participate in JSAP, including members who are on strike and members who are not migrants in the job stream. The Department determines the JSAP status of a participant at certification, a six-month or twelve-month contact, recertification, and when household changes occur. (7-1-24)

**02. JSAP Information.** The Department will explain the JSAP requirement, rights, responsibilities, and the result of failure to comply. (7-1-24)

**227. EXEMPTIONS FROM JSAP.**

**01. Parents or Caretakers Responsible for the Care of a Child Under Six Years Old.** If the child becomes six (6) during the certification period, the parent or caretaker must register for JSAP at the next scheduled six-month or twelve-month contact or recertification, unless exempt for another reason. (7-1-24)

**02. Parents and Caretakers of an Incapacitated Person.** A parent or caretaker responsible for the care of a person incapacitated due to illness or disability is exempt from JSAP. (7-1-24)

**03. Persons Who Are Incapacitated.** A person physically or intellectually unfit for employment is exempt from JSAP. (7-1-24)

**04. Students Enrolled Half-Time.** A student eighteen (18) years or older is exempt from JSAP if they: (7-1-24)

a. Are enrolled at least half-time in any institution of higher learning and if they meet the definition of an eligible student in Section 282 of these rules; or (7-1-24)

b. Are enrolled at least half-time in any other recognized school or training program. (7-1-24)

c. Remain enrolled during normal periods of class attendance, vacation, and recess. If they graduate, enroll less than half-time, are suspended or expelled, drop out, or do not intend to register for the next normal school term (excluding summer), they must register for work at the next scheduled six-month or twelve-month contact or recertification. (7-1-24)

**05. SSI Applicants.** Are exempt from JSAP until SSI eligibility is determined. (7-1-24)

**06. Persons Who Are Employed or Self-Employed.** Are exempt from JSAP if they are: (7-1-24)

a. Working at least thirty (30) hours per week; (7-1-24)

b. Receiving earnings equal to the federal minimum wage multiplied by thirty (30) hours; or (7-1-24)

c. A migrant or seasonal farm worker under contract or agreement to begin employment within thirty (30) days. (7-1-24)

**07. Persons in Treatment for a Substance Use Disorder.** A regular participant in a substance use

disorder treatment and rehabilitation program is exempt from JSAP. (7-1-24)

**08. Unemployment Insurance (UI) Applicant/Recipient.** A person receiving UI is exempt from JSAP. A person applying for, but not receiving UI, is exempt from JSAP if they are required to register for work with the Department of Commerce and Labor as part of the UI application process. (7-1-24)

**09. Children Under Age Sixteen.** Are exempt from JSAP. A child who turns sixteen (16) within a certification period must register for JSAP at the six-month or twelve-month contact or recertification, unless exempt for another reason. (7-1-24)

**10. Persons Age Sixteen or Seventeen.** Are exempt from JSAP if they are attending school at least half-time, or are enrolled in an employment and training program, including GED, at least half-time. (7-1-24)

**11. Participants Age Sixty or Older.** Are exempt from JSAP. (7-1-24)

**12. Pregnant Women.** In their third trimester are exempt from JSAP. (7-1-24)

**228. DEFERRALS FROM JSAP FOR HOUSEHOLD MEMBERS PARTICIPATING IN TAFI.**  
Deferrals from JSAP for household members participating in the TAFI program are listed below. (7-1-24)

**01. Reasonable Distance.** Appropriate child care is not available within a reasonable distance from the participant's home or work site. (7-1-24)

**02. Relative Child Care.** Informal child care by relatives or others is not available or is unsuitable. (7-1-24)

**03. Child Care Not Available.** Appropriate and affordable child care is not available. (7-1-24)

**229. PARTICIPANTS LOSING JSAP EXEMPT STATUS.**  
If an exempt household member becomes mandatory, the Department must notify the participant of JSAP requirements. (7-1-24)

**230. -- 235. (RESERVED)**

**236. GOOD CAUSE.**  
A mandatory participant may get a deferral from JSAP requirements, if the Department determines a valid reason exists. (7-1-24)

**237. SANCTIONS FOR FAILURE TO COMPLY WITH JSAP WORK PROGRAM REQUIREMENTS.**  
When a JSAP participant fails or refuses to comply with work program requirements without good cause, sanctions listed below must be applied. In determining which sanction to impose, sanctions previously imposed for voluntary quit or reduction in work hours under Section 271 of these rules must be considered. (7-1-24)

**01. Noncomplying Household Member.** The participant who commits the work program violation is excluded as a household member when determining the Food Stamp allotment. The person cannot receive Food Stamps, but their income and resources are counted in the Food Stamp computation for the household. The person must serve a minimum sanction period plus take corrective action to become eligible for Food Stamps again. If the sanctioned household member becomes exempt from JSAP requirements, the Department will end the sanction. (7-1-24)

**a.** First work program violation. A minimum sanction period of one (1) month is imposed. (7-1-24)

**b.** Second work program violation. A minimum sanction period of three (3) months is imposed. (7-1-24)

**c.** Third and subsequent work program violations. A minimum sanction period of six (6) months is imposed. (7-1-24)

**02. Joins Another Household.** If a sanctioned household member leaves the original household and joins another Food Stamp household, treat the sanctioned member as an excluded household member. The person cannot receive Food Stamps, but their income and resources are counted in the Food Stamp computation for the household. The person is excluded for the rest of the sanction period and until corrective actions are taken. (7-1-24)

**03. Closure Reason.** The household must be informed of the reason for the closure. (7-1-24)

**04. Sanction Notice.** The household must be informed of the proposed sanction period. (7-1-24)

**05. Sanction Start.** The household must be informed the sanction will begin the first month after timely notice. (7-1-24)

**06. Actions to End Sanction.** The household must be informed of the actions the household can take to end the sanction. (7-1-24)

**07. Fair Hearing.** The household must be informed of the right to a fair hearing. (7-1-24)

**238. NOTICE OF SANCTIONS FOR FAILURE TO COMPLY WITH JSAP.**

A Notice of Decision is sent when a participant fails to comply with JSAP requirements. The Notice of Decision must contain data listed below. If the member complies before the effective date of the action, the sanction does not take effect. The Notice of Decision must: (7-1-24)

**01. Include the Proposed Sanction Period.** (7-1-24)

**02. Include the Reason for Sanction.** (7-1-24)

**03. Include the Actions the Sanctioned Person Takes to End Sanction.** (7-1-24)

**04. Tell the Household of its Right to Fair Hearing.** (7-1-24)

**239. RIGHT TO APPEAL SANCTION.**

The participant has the right to appeal the decision to sanction. The participant may contest a decision of mandatory status or a denial, reduction, or termination of benefits, due to failure to comply with JSAP. Appeals are conducted under IDAPA 16.05.03, Section 350, "Contested Case Proceedings and Declaratory Rulings." The Department will notify JSAP of the fair hearing. (7-1-24)

**240. JSAP SANCTION BEGINS.**

The sanction period begins the first month after the Notice of Decision unless a fair hearing is requested. (7-1-24)

**241. ENDING SANCTIONS FOR FAILURE TO COMPLY WITH JSAP.**

Household members sanctioned for not complying with JSAP are ineligible until a condition listed below is met. (7-1-24)

**01. Fair Hearing Reversal.** Sanction ends if a fair hearing reverses the sanction. (7-1-24)

**02. Sanctioned Member Becomes Exempt.** Sanction ends if the sanctioned member becomes exempt from JSAP. (7-1-24)

**03. Member Complies With JSAP.** Sanction ends if the member, who refused to comply with a JSAP requirement, complies. The member must complete corrective action and serve the minimum sanction period. (7-1-24)

**242. CORRECTIVE ACTION FOR WORK PROGRAMS.**

A mandatory participant can requalify for Food Stamps after a sanction by becoming exempt from work requirements, or serving the sanction period and correcting noncompliance with JSAP. (7-1-24)

**243. -- 250. (RESERVED)**

**251. ABLE-BODIED ADULTS WITHOUT DEPENDENTS (ABAWD) WORK REQUIREMENT.**

To participate in the Food Stamp program, a person must meet one (1) of the following. A person who does not meet one (1) of these conditions may not participate in the Food Stamp program as a member of any household for more than three (3) full months (consecutive or otherwise) in a fixed thirty-six (36) month period. (7-1-24)

**01. Work at Least Eighty Hours per Month.** The person must work at least eighty (80) hours per month. The definition of work is any combination of: (7-1-24)

- a.** Work in exchange for money. (7-1-24)
- b.** Work in exchange for goods or services, known as “in-kind” work. (7-1-24)
- c.** Unpaid work, with a public or private non-profit agency. (7-1-24)

**02. Participate in JSAP or Another Work Program.** The person must participate in and comply with the requirements of the JSAP program (other than job search or job readiness activities), the WIOA program, a program under Section 236 of the Trade Act of 1974, or another work program recognized by the Department. The person must participate for at least eighty (80) hours per month. (7-1-24)

**03. Combination of Work and Work Programs.** The person must work and participate in a work program. Participation in work and work programs must total at least eighty (80) hours per month. (7-1-24)

**04. Participate in Work Opportunities.** The person must participate in and comply with the requirements of a Work Opportunities program. (7-1-24)

**05. Residents of High Unemployment Areas.** ABAWDs residing in a county identified by the Department as having high unemployment or lack of jobs may not be subject to the three (3) month limitation of benefits. ABAWDs residing in these counties are subject to JSAP work requirement. (7-1-24)

**252. PROOF REQUIRED FOR ABAWDs.**

The Department requires proof of compliance with the ABAWD requirements. If there is evidence the ABAWD got Food Stamps in another state, the Department will get proof of the number of countable months from that state, before certification. A written or verbal statement from the other state agency of countable months is acceptable proof. (7-1-24)

**253. ABAWD GOOD CAUSE.**

The work requirement is met if an ABAWD would have worked at least eighty (80) hours per month but missed work for good cause. The absence from work must be temporary. The ABAWD must keep the job. Circumstances beyond control of the ABAWD are the basis of good cause. These include illness, illness of a household member requiring the presence of the ABAWD, household emergency, and lack of transportation. (7-1-24)

**254. REPORTING ABAWD CHANGES.**

ABAWDs must report within the first ten (10) days of the month following the date of change if total work or work program hours drop below eighty (80) hours per month. (7-1-24)

**255. REGAINING ELIGIBILITY.**

ABAWDs whose three (3) month eligibility expires may regain eligibility for Food Stamps. During any thirty (30) consecutive days, the person must meet one (1) of the work requirements below. The Department will prorate Food Stamp benefits from the date the person regains eligibility. ABAWDs must continue to meet the work requirement to get Food Stamps or meet conditions for the three (3) additional months. There is no limit on the number of times an ABAWD may regain and maintain eligibility by meeting the work requirement. (7-1-24)

- 01. Work Eighty Hours.** The person must work eighty (80) or more hours per month. (7-1-24)
- 02. Participate in JSAP.** The person must participate in and comply with the requirements of the JSAP

program (other than job search or job search training), the WIOA program, or a program under Section 236 of the Trade Act of 1974 for eighty (80) or more hours per month. (7-1-24)

**256. THREE ADDITIONAL MONTHS OF FOOD STAMPS AFTER REGAINING ELIGIBILITY.**

A person who regained eligibility under Section 255 of these rules, but is no longer fulfilling the ABAWD work requirements in Section 251 of these rules through no fault of their own, may get Food Stamps for an additional three (3) consecutive months. For an applicant, the three (3) consecutive months begin the first full month of benefits. For a participant, the three (3) consecutive months begin the month following the month the participant no longer meets the work requirements. A person is eligible for the additional three (3) consecutive months only once in a thirty-six (36) month period. (7-1-24)

**257. PERSONS NOT CONSIDERED ABAWD.**

Persons meeting any of the following are not considered ABAWD. (7-1-24)

**01. Age.** Persons under eighteen (18) and fifty-three (53) years old or older. Beginning October 1, 2024, the age limit increases to fifty-five (55). (7-1-24)

**02. Disability.** Persons medically certified as physically or intellectually unfit for employment. A person is medically certified as physically or intellectually unfit for employment if: (7-1-24)

**a.** Receiving temporary or permanent disability benefits issued by a government or private source. (7-1-24)

**b.** Obviously intellectually or physically unfit for employment, as determined by the Department. (7-1-24)

**c.** The person has a statement from a physician, physician's assistant, nurse, nurse practitioner, designated representative of the physician's office, licensed or certified psychologist, a social worker, or any other medical personnel the Department determines appropriate, verifying physical or intellectual unfitness for employment. (7-1-24)

**03. All Persons Residing in a Household Where a Household Member Is Under Age Eighteen.** (7-1-24)

**04. Pregnant Persons.** (7-1-24)

**05.** A homeless individual, as defined under 7 CFR 271.2. (7-1-24)

**06.** A veteran who served in the US Armed Forces and was discharged or released from service, regardless of the reason for discharge or release. (7-1-24)

**07.** An individual who was eighteen (18) years old or older (at a state agency's option), who at the time aged out of foster care program and who is under twenty-five (25) years old. (7-1-24)

**258. FOOD STAMPS ISSUED TO INELIGIBLE ABAWD.**

If benefits are paid to an ABAWD in error, the months count against the three- (3) month time limit until repaid. (7-1-24)

**259. STRIKES.**

Households must be denied Food Stamps if a member is unemployed because of a strike, unless the household was eligible for or getting Food Stamps the day before the strike. (7-1-24)

**260. GOVERNMENT EMPLOYEES DISMISSED FOR STRIKE.**

State, federal, and local government employees dismissed because of joining in a strike against the governmental entity have voluntarily quit a job without good cause. (7-1-24)

**261. VOLUNTARY JOB QUIT.**

An employed household member who voluntarily quits a job without good cause is not eligible for Food Stamps. The Department is required to make a voluntary job quit determination when it learns that any employed household member has quit their job and any of the following circumstances apply. (7-1-24)

- 01. Voluntary Job Quit Timeframes.** The Department must make a voluntary job quit determination: (7-1-24)
  - a.** For any applicant who quits their job within sixty (60) days of the application date. (7-1-24)
  - b.** For any new household member who quits their job within the sixty (60) days prior to entering the household. (7-1-24)
  - c.** For any recipient who quits their job at any time during the certification period. (7-1-24)
- 02. Job Definition for Voluntary Job Quit.** The Department must make a voluntary job quit determination for any household member who is not exempt from work registration for any reason other than employment if: (7-1-24)
  - a.** They quit a job of at least thirty (30) hours a week; or (7-1-24)
  - b.** Their weekly earnings from the job they quit are equivalent to the federal minimum wage multiplied by thirty (30) hours. (7-1-24)

**262. VOLUNTARY REDUCTION IN WORK HOURS.**

An employed household member who voluntarily reduces hours of work without good cause is not eligible for Food Stamps. The Department is required to make a reduction in work hours determination when it learns that any employed household member has voluntarily reduced their work hours and any of the following circumstances apply. (7-1-24)

- 01. Voluntary Work Reduction Timeframe.** The Department must make a reduction in work hours determination if the hours of work were voluntarily reduced by a(n): (7-1-24)
  - a.** Applicant, within sixty (60) days of the application date. (7-1-24)
  - b.** New household member, within the sixty (60) days prior to entering the household. (7-1-24)
  - c.** Recipient, at any time during the certification period. (7-1-24)
- 02. What Counts as a Significant Voluntary Work Reduction.** For any household member's eligibility for Food Stamps to be affected, the Department must determine that: (7-1-24)
  - a.** Prior to the voluntary reduction in hours, the job was at least thirty (30) hours a week; and (7-1-24)
  - b.** The hours of work have been voluntarily reduced to less than thirty (30) hours per week without good cause. (7-1-24)

**263. -- 264. (RESERVED)**

**265. SITUATIONS NOT CONSIDERED VOLUNTARY JOB QUIT OR REDUCTION OF WORK.**

Situations not counted as a voluntary job quit or reduction of work hours are listed below: (7-1-24)

- 01. The Person Ends Self-Employment.** (7-1-24)
- 02. Employer Demands Resignation and Person Resigns.** (7-1-24)
- 03. Laid Off From New Job.** A person quits a job, secures new employment at comparable salary or hours, and then is laid off or loses the new job through no fault of their own. (7-1-24)



**266. HOUSEHOLD MEMBER LEAVES DURING A PENALTY PERIOD.**

When the household member who committed a voluntary quit or reduction in hours penalty leaves the household, the penalty follows the household member who caused it. If the household member who committed the penalty joins another household, they are ineligible for the balance of the penalty period unless they meet the conditions stated in Subsection 275.01 of these rules. (7-1-24)

**267. GOOD CAUSE FOR VOLUNTARILY QUITTING A JOB OR REDUCING WORK HOURS.**

If a household member voluntarily quits a job, the Department will determine if the quit was for good cause. All facts and circumstances submitted by the household and the employer must be considered. Good cause reasons are listed in 7 CFR 273.7(i)(3). (7-1-24)

**268. PROOF OF JOB QUIT OR REDUCTION OF WORK HOURS.**

Verification from the household is required if the household's job quit or reduction of work hours is questionable. When proof of the voluntary quit cannot be obtained, the household must not be denied Food Stamps. If a household member refuses, without good cause, to provide enough information to determine voluntary quit or work reduction, a penalty must be imposed. (7-1-24)

**269. (RESERVED)**

**270. PENALTY FOR APPLICANT QUITTING A JOB OR REDUCING WORK HOURS.**

If the Department determines a voluntary quit or reduction of work hours was not for good cause, the member who quit is not eligible for a ninety (90) day penalty period. The penalty period begins the date the household member quit. The applicant household must be told the job quit and work reduction penalty information listed below: (7-1-24)

**01. Denial Reason.** The household must be informed of the reason for the Food Stamp denial for the member. (7-1-24)

**02. Sanction Period.** The household must be informed of the proposed voluntary quit or work reduction sanction period. (7-1-24)

**03. Fair Hearing.** The household must be informed of the right to a fair hearing. (7-1-24)

**04. Right to Reapply.** The household must be informed of the right to reapply after the ninety (90) day penalty period. (7-1-24)

**271. PENALTY FOR RECIPIENT QUITTING A JOB OR REDUCING WORK HOURS.**

If the Department determines a member of the household voluntarily quit a job or reduced work hours, the penalty listed in Subsection 271.01 of this rule must be imposed. Food Stamps must be reduced, beginning the first month after timely notice. The household must be told the information listed in this rule within ten (10) calendar days of the voluntary quit or reduction in work ruling. When determining the sanction to impose, previous sanctions for noncompliance with JSAP and work registration requirements as described in Section 237 of these rules must be considered. Previous sanctions for recipient voluntary quit or work reduction must also be considered. If the sanctioned household member becomes exempt from JSAP requirements, the Department will end the sanction. The voluntary quit sanction does not end if the sanctioned household member becomes exempt due to application or receipt of Unemployment Insurance. (7-1-24)

**01. Non-Complying Household Member.** The participant who commits the work program violation is excluded as a household member when determining the Food Stamp allotment. The person cannot receive Food Stamps, but their income and resources are counted in the Food Stamp computation for the household. The person must serve a minimum sanction period plus take corrective action to become eligible for Food Stamps again. Corrective action includes: returning to work, increasing work hours to meet the work exemption, or completing required activities with JSAP. (7-1-24)

**a.** First work program violation. A minimum sanction period of one (1) month is imposed. (7-1-24)

- b.** Second work program violation. A minimum sanction period of three (3) months is imposed. (7-1-24)
- c.** Third and subsequent work program violation. A minimum sanction period of six (6) months is imposed. (7-1-24)

**02. Joins Another Household.** If a sanctioned household member leaves the original household and joins another Food Stamp household, the Department will treat the sanctioned member as an excluded household member. The person cannot receive Food Stamps, but their income and resources are counted in the Food Stamp computation for the other household. The person is excluded for the rest of the sanction and until corrective actions are taken. (7-1-24)

**03. Closure Reason.** The household must be informed of the reason for the closure. (7-1-24)

**04. Sanction Notice.** The household must be informed of the proposed sanction period. (7-1-24)

**05. Sanction Start.** The household must be informed the sanction will begin the first month after timely notice. (7-1-24)

**06. Actions to End Sanction.** The household must be informed of the actions the household can take to end the sanction. (7-1-24)

**07. Fair Hearing.** The household must be informed of the right to a fair hearing. (7-1-24)

**272. PARTICIPANT VOLUNTARY QUIT OR REDUCTION OF WORK HOURS.**

If it is discovered a household member voluntarily quit a job or reduced work hours without good cause during the certification period the Department must provide the individual with a notice of adverse action within ten (10) days after the determination of a quit or reduction in work effort. The individual will be disqualified according to the minimum mandatory sanction schedule under Subsection 271.01 of these rules. (7-1-24)

**273. – 274. (RESERVED)**

**275. ENDING VOLUNTARY QUIT WORK PROGRAM PENALTIES.**

Eligibility may be reestablished before the end of the penalty period for an otherwise eligible household member when they meet the conditions in Subsection 275.01 of this rule. Eligibility may be reestablished after a voluntary quit or work reduction penalty period has elapsed for an otherwise eligible household member when they meet a condition in Subsection 275.02 of this rule. (7-1-24)

**01. Ending Voluntary Quit or Reduction Penalty Before the End of the Penalty Period.** If the sanctioned household member becomes exempt from JSAP requirements, their eligibility for Food Stamps may be reestablished. The voluntary quit penalty does not end if the sanctioned household member becomes exempt due to application or receipt of Unemployment Insurance. (7-1-24)

**02. Ending Voluntary Quit or Reduction Penalty After Penalty Period.** (7-1-24)

**a.** If the sanctioned household member gets a new job comparable in salary or hours to the job they quit, their eligibility for Food Stamps may be reestablished. A comparable job may entail fewer hours or a lower net salary than the job which was quit. To be comparable, the hours for the new job cannot be less than thirty (30) hours per week and the salary or earnings for the new job cannot be less than federal minimum wage multiplied by thirty (30) hours per week. (7-1-24)

**b.** If the sanctioned household member's hours of work are restored to more than thirty (30) hours per week before reduction, their eligibility for Food Stamps may be reestablished. (7-1-24)

**c.** A sanctioned household member can requalify for Food Stamps after serving the minimum sanction period and completing corrective action. The participant must contact the Department and request an opportunity to correct the sanction. (7-1-24)

**276. FAILURE TO COMPLY WITH A REQUIREMENT OF ANOTHER MEANS - TESTED PROGRAM.**

Food Stamps must not increase when a failure to comply causes other means-tested benefits to decrease. Benefits from means-tested programs like TAFI may decrease due to failure to comply with a program requirement. Food Stamp benefits must not increase because of this income loss. If a reduction in benefits from another means-tested program occurs, the Department will verify the reason for the reduction. If the reason for the reduction cannot be verified, the Department will document the case record to reflect the good faith effort to verify the information.

(7-1-24)

**277. PENALTY FOR FAILURE TO COMPLY WITH A REQUIREMENT OF ANOTHER MEANS - TESTED PROGRAM.**

To prevent an increase in Food Stamp benefits, penalties will be applied to a Food Stamp case for failure to comply with a requirement of another means-tested program such as TAFI. When a Food Stamp recipient fails to comply with a requirement of the TAFI program, the Department will count that portion of the benefit decrease attributed to the TAFI penalty. Conditions for ending the penalty are listed below.

(7-1-24)

**01. Time-Limited TAFI Penalty.** If the TAFI penalty is time-limited, the Department will end the Food Stamp penalty when the TAFI penalty is ended.

(7-1-24)

**02. Lifetime TAFI Penalty.** If the TAFI penalty is a lifetime penalty, apply the Food Stamp penalty for a length of time to match the remaining months of TAFI eligibility for the household. The Department will end the Food Stamp penalty if the household subsequently reapplies for TAFI and is denied for a reason other than the noncompliance that caused the TAFI penalty.

(7-1-24)

**03. Member Who Caused the TAFI Penalty Leaves the Household.** The Department will end the Food Stamp penalty when the member who caused the TAFI penalty leaves the household.

(7-1-24)

**278. COOPERATION IN ESTABLISHMENT OF PATERNITY AND OBTAINING SUPPORT.**

A natural or adoptive parent or other individual living with and exercising parental control over a minor child who has an absent parent must cooperate in establishing paternity for the child and obtaining support for the child.

(7-1-24)

**279. FAILURE TO COOPERATE.**

When a parent or individual fails to cooperate in establishing paternity and obtaining support, they are not eligible to participate in the Food Stamp Program.

(7-1-24)

**280. EXEMPTIONS FROM THE COOPERATION REQUIREMENT.**

The parent or individual will not be required to provide information about the absent or alleged parent or otherwise cooperate in establishing paternity or obtaining support if good cause for not cooperating exists. Good cause for failure to cooperate in obtaining support is listed below:

(7-1-24)

**01. Rape or Incest.** Proof the child was conceived because of incest or forcible rape.

(7-1-24)

**02. Physical or Emotional Harm.** Proof the absent parent may inflict physical or emotional harm to the children, the participant, or individual exercising parental control. This must be supported by medical evidence, police reports, or as a last resort, an affidavit from a knowledgeable source.

(7-1-24)

**03. Minimum Information Cannot be Provided.** Substantial and credible proof is provided indicating the participant cannot provide the minimum information regarding the non-custodial parent.

(7-1-24)

**281. – 282. (RESERVED)**

**283. STUDENT ENROLLMENT.**

A student is considered enrolled in an institution of higher education if participating in a regular curriculum there. Enrollment status of a student begins the first day of the school term for the institution of higher education. The enrollment continues through normal periods of class attendance, vacation, and recess. Enrollment stops if the student

graduates, is suspended or expelled, drops out, or does not intend to register for the next normal school term. Summer school terms are not normal school terms. (7-1-24)

**284. DETERMINING STUDENT ELIGIBILITY.**

To be eligible for Food Stamps, a student must meet at least one (1) of the following: (7-1-24)

**01. Employment.** The student: (7-1-24)

**a.** Is employed a minimum of eighty (80) hours per month and is paid for such employment; or (7-1-24)

**b.** Is self-employed a minimum of eighty (80) hours per month; and (7-1-24)

**c.** Must earn at least the federal minimum wage times eighty (80) hours. (7-1-24)

**02. Work Study Program.** The student is in a state or federally financed work study program during the regular school year. The student exemption begins the month the school term begins, or the month the work study is approved, whichever is later. The exemption continues until the end of the month the school term ends, or it becomes known the student has refused an assignment. The student work study exemption stops when there are breaks of a full calendar month or longer between terms, without approved work study. The exemption only applies to months the student is approved for work study. (7-1-24)

**03. Caring for Dependent Child.** The student is: (7-1-24)

**a.** Responsible for the care of a dependent household member under the age of six (6). (7-1-24)

**b.** Responsible for the care of a dependent household member who has reached the age of six (6), but is under age twelve (12) when the state agency has determined that adequate child care is not available to enable the student to attend class and comply with the eighty (80) hour work requirement. (7-1-24)

**c.** A single parent enrolled in an institution of higher education on a full-time basis, as determined by the institution, and be responsible for the care of a dependent child under age twelve (12). (7-1-24)

**04. TAFI Participant.** The student gets cash benefits from the TAFI program. (7-1-24)

**05. Training.** The student is assigned to or placed in an institution of higher education through, or complying with, the following programs: WIOA, JOBS, JSAP, a program under Section 236 of the Trade Act of 1974, or a program for employment and training operated by a state or local government. (7-1-24)

**285. INELIGIBILITY OF FUGITIVE FELONS AND PROBATION AND PAROLE VIOLATORS.**

Individuals who are fleeing to avoid prosecution or custody for a crime, or an attempt to commit a crime, classified as a felony (or in the state of New Jersey, a high misdemeanor), or who are violating a condition of probation or parole under a federal or state law, cannot be considered eligible household members. (7-1-24)

**286. EFFECTIVE DATE OF INELIGIBILITY.**

The effective date of disqualification for Food Stamps is the month following the date the Department has documented evidence the individual is fleeing or violating parole/probation. (7-1-24)

**287. INELIGIBILITY FOR A FELONY CONVICTION FOR POSSESSION, USE, OR DISTRIBUTION OF A CONTROLLED SUBSTANCE.**

Individuals convicted under federal or state law of a felony involving the possession, use, or distribution of a controlled substance can receive Food Stamps when they comply with the terms of a withheld judgment, probation, or parole. Controlled substance felons who are not complying with the terms of a withheld judgment, probation, or parole are not eligible for Food Stamps. (7-1-24)

**288. -- 299. (RESERVED)**

**300. RESOURCES DEFINED.**

Resources include, but are not limited to, cash, bank accounts, stocks, bonds, personal property, and real property. A household must have the right, authority, or power to change the resource to cash for the resource to be counted. The household must have the legal right to use the resource for support and maintenance for the resource to be counted. (7-1-24)

**301. DETERMINING RESOURCES.**

The resources of all household members are counted unless the resource is excluded. (7-1-24)

**302. -- 304. (RESERVED)**

**305. RESOURCE LIMIT.**

The Food Stamp resource limit is five thousand dollars (\$5,000) for Broad-Based Categorically Eligible households. Households that do not meet the requirements for Broad-Based Categorical Eligibility are subject to resource limits published by the FNS. (7-1-24)

**306. -- 307. (RESERVED)**

**308. EQUITY VALUE OF RESOURCES.**

Equity value is the current market value of a resource, minus any encumbrance. The current market value is the price the resource is expected to sell for, on the open market, in the geographic area involved. An encumbrance is a legally binding debt against property. The encumbrance on the property does not prevent the property owner from selling to a third party. (7-1-24)

**309. LIQUID RESOURCES.**

All liquid resources are counted, unless excluded. Liquid resources are listed below and can be easily converted to cash. (7-1-24)

**01. Cash on Hand.** (7-1-24)

**02. All Bank and Credit Union Accounts.** (7-1-24)

**03. Lump Sum Payments.** Such as insurance, SSI, retirement, and income tax refund. (7-1-24)

**04. Trusts.** Unrestricted trust accounts and any available amounts from restricted trust accounts. (7-1-24)

**05. Stocks, less Fees for Transfer and Penalty for Early Sale.** (7-1-24)

**06. Savings Bonds, Treasury Bonds, Commercial Bonds at Current Market Value.** (7-1-24)

**07. Savings Certificates or Certificates of Deposit.** Issued by banks, credit unions, or other financial concerns, less the penalty for early withdrawal. (7-1-24)

**310. NONLIQUID RESOURCES.**

Countable nonliquid resources are resources not easily converted to cash and are listed below. (7-1-24)

**01. Real Property.** Equity value of real property (land and buildings, including mobile homes) unless specifically excluded. Property may be excluded if the property is: (7-1-24)

**a.** Used as a home. (7-1-24)

**b.** Income-producing, and the income is consistent with the property's fair market value. (7-1-24)

**c.** Essential to employment or self-employment. (7-1-24)

**d.** Used in connection with an excluded vehicle. (7-1-24)

**02. Vehicles.** Licensed and unlicensed automobiles, trucks, vans, motorcycles, self-propelled motor homes, snowmobiles, boats, aircraft, all-terrain vehicles, and mopeds. (7-1-24)

**03. Personal Property.** Personal property not otherwise excluded. Personal property includes trailers pulled by another means or campers placed on the bed of a truck or pickup. (7-1-24)

**311. FACTORS MAKING PROPERTY A RESOURCE.**

Property of any kind, including cash, can be a resource and must meet all criteria listed below: (7-1-24)

**01. Ownership Interest.** A participant must have ownership interest in property for it to be counted as a resource. Property is not a resource if the participant does not own all or part of the property. (7-1-24)

**02. Legal Right to Spend or Convert Property.** A participant must have a legal right to spend or convert property to cash. Physical possession of property is not needed if the owner has the legal ability to spend or convert the property to cash. (7-1-24)

**03. Legal Ability to Use for Support and Maintenance.** Property is not a resource if it cannot legally be used for the owner's support and maintenance. (7-1-24)

**312. -- 313. (RESERVED)**

**314. JOINTLY OWNED RESOURCES.**

A resource owned jointly by members of two (2) or more households is counted in its entirety for each household, unless the household proves the resource is not available. If the household shows it has access to only a portion of a resource, that portion of the resource is counted. (7-1-24)

**315. JOINTLY OWNED RESOURCES EXCLUDED.**

A jointly owned resource is excluded, if the household shows it cannot sell or divide the resource without consent of the other owner, and the other owner will not sell or divide the resource. A jointly owned resource is excluded, if owned by a resident in a shelter for battered women and children and access to the resource requires agreement of a joint owner living in the former household. A vehicle, jointly owned by a household member and a person not living in the household, may be excluded. The household member must not have possession of the vehicle. The household member must not be able to sell the vehicle. (7-1-24)

**316. -- 322. (RESERVED)**

**323. LUMP SUM RESOURCES.**

Nonrecurring lump sum payments are considered a resource in the month received, unless excluded under these rules. A household is not required to report changes in resources during a certification period. Some lump sum payments are listed below: (7-1-24)

**01. Retroactive Payments.** (7-1-24)

**a.** Social Security. (7-1-24)

**b.** SSI. (7-1-24)

**c.** Public Assistance. (7-1-24)

**d.** Railroad Retirement Benefits. (7-1-24)

**e.** Unemployment Compensation Benefits. (7-1-24)

**f.** Child Support. (7-1-24)

**02. Insurance Settlements.** (7-1-24)

- 03. Income Tax Refunds, Rebates, or Credits.** (7-1-24)
- 04. Property Payments.** Lump sum payments and contract payments from sale of property are counted as income. (7-1-24)
- 05. Security Deposits.** Refunds of security deposits on rental property or utilities. (7-1-24)
- 06. Disability Pension.** Annual adjustment payments in VA disability pensions. (7-1-24)
- 07. Vacation Pay.** Vacation pay, withdrawn in one (1) lump sum by a terminated employee. (7-1-24)
- 08. Military Reenlistment Bonuses.** (7-1-24)
- 09. Job Corps Readjustment Pay.** (7-1-24)
- 10. Severance Pay.** Paid in one (1) lump sum to a former employee. (7-1-24)
- 11. TAFI One-Time Cash Diversion Payment.** (7-1-24)
- 324. -- 333. (RESERVED)**
- 334. VEHICLES.**  
The value of any vehicle that is primarily for recreational use counts toward the household's resource limit. All other vehicles in the household will have their values counted as provided in 7 CFR 273. (7-1-24)
- 335. -- 350. (RESERVED)**
- 351. EXCLUDED RESOURCES.**  
Some resources do not count against the limit because they are excluded. Resources excluded by federal law are also excluded for Food Stamps. Exclusions from resources are under Sections 352 through 382 of these rules. (7-1-24)
- 352. HOUSEHOLD GOODS EXCLUDED.**  
Household goods are items of personal property normally found in the home. The items must be used for maintenance, use, and occupancy of the home. Household goods include, but are not limited to, furniture, appliances, television sets, carpets, and utensils for cooking and eating. (7-1-24)
- 353. PERSONAL EFFECTS EXCLUDED.**  
Personal effects are items worn or carried by a participant, or items having an intimate relation to the participant. They include, but are not limited to, clothing, jewelry, personal care items, and prosthetic devices. Personal effects include items for education or recreation, such as books, musical instruments, or hobby materials. (7-1-24)
- 354. HOME AND LOT EXCLUDED.**  
The home and surrounding land and buildings not separated by property owned by others, are excluded as a resource. A public road or right of way that separates any plot from the home will not affect the exclusion. The home may be a house, trailer, or vehicle. (7-1-24)
- 01. Unoccupied Home Exclusion.** A temporarily unoccupied home is excluded if the household members intend to return. The household members must be absent because of employment, training for future employment, illness, or the home must be temporarily uninhabitable from casualty or natural disaster. (7-1-24)
- 02. Building Lot Exclusion.** The following are excluded as a resource: (7-1-24)
- a.** A lot where a household is building a permanent home (7-1-24)
- b.** A lot where a household intends to build a permanent home; and (7-1-24)

- c. A lot and partly completed home (7-1-24)
- d. The household can only have one (1) home and lot excluded. The household cannot own a home and lot and have a building lot exclusion for another property. (7-1-24)
- 355. LIFE INSURANCE EXCLUDED AS A RESOURCE.**  
The cash surrender value of life insurance policies is excluded as a resource. (7-1-24)
- 356. BURIAL SPACE OR PLOT AND FUNERAL AGREEMENT EXCLUSIONS.**  
Burial spaces or plots and funeral agreements are excluded from resources as listed below. (7-1-24)
- 01. Burial Space or Plot Exclusion.** One (1) burial space or plot, for each household member, from resources. The value of the burial space or plot does not affect this exclusion. (7-1-24)
- 02. Funeral Agreement Exclusion.** Up to the equity value of one (1) bona fide funeral agreement, for each household member, from resources. (7-1-24)
- 357. PENSION PLANS OR FUNDS EXCLUDED AS A RESOURCE.**  
The cash value of any funds in a plan, contract, or account, under Sections 401(a), 403(a), 403(b), 408, 408A, 457(b), and 501(c) of the Internal Revenue Code of 1986, and the value of funds in a Federal Thrift Savings Plan Account under 5 U.S.C. 8439 are excluded as a resource. This exclusion includes any current or future tax preferred retirement accounts approved under federal or state law. (7-1-24)
- 358. INCOME-PRODUCING PROPERTY EXCLUDED.**  
Property that annually produces income consistent with its fair market value is excluded as a resource. Real property, not used as a home, is excluded as a resource if it produces income consistent with its fair market value. This exclusion includes land and buildings. Annual income is consistent with the property's fair market value when consistent with area market trends. (7-1-24)
- 359. LIVESTOCK EXCLUDED.**  
Livestock includes cows, pigs, sheep, llamas, and horses. Farm animals kept for food are excluded. (7-1-24)
- 360. PROPERTY USED FOR SELF-SUPPORT EXCLUDED.**  
Property essential to the employment or self-employment of a household member, such as tools of a trade or the farm land and machinery of a farmer, is excluded as a resource. Essential work-related equipment of an ineligible legal non-citizen or disqualified person is excluded as a resource. Self-support property is excluded during employment and temporary periods of unemployment. For a household member engaged in farming, property essential to self-employment continues to be excluded for one (1) year from the date the household member ends self-employment from farming. (7-1-24)
- 361. PROPERTY USED WITH EXCLUDED VEHICLE.**  
Portions of real or personal property are excluded as a resource if used in connection with an excluded vehicle. The vehicle must be used to produce income or be necessary for transporting a physically disabled household member. (7-1-24)
- 362. SALABLE ITEM WITHOUT SIGNIFICANT RETURN EXCLUDED.**  
Resources that cannot be sold for a significant return are excluded. "Significant return" means any return, after estimating costs of sale or disposition, and taking into account the ownership interest of the household, is more than one thousand five hundred dollars (\$1,500). (7-1-24)
- 363. HUD FAMILY SELF-SUFFICIENCY (FSS) ESCROW ACCOUNT.**  
Escrow accounts and the interest earned on an escrow account established by HUD for families participating in the FSS Program under Section 544 of the National Affordable Housing Act, are excluded as a resource when determining eligibility for food stamps. The federal exclusion for the funds in this program and other similar type escrow funds are only excluded while the funds are still in the escrow account or being used for a HUD approved purpose. Participants in the FSS program may withdraw funds from the escrow account before completing the program, with permission from the public housing authority, but only for purposes related to the goal of the FSS



contract, such as completion of higher education, job training, or to meet start-up expenses involved in creation of a small business. (7-1-24)

**364. EDUCATIONAL ACCOUNTS EXCLUDED AS A RESOURCE.**

The cash value of any funds in a qualified tuition program under Section 529 of the Internal Revenue Code of 1986, or in a Coverdell education savings account under Section 530 of the Internal Revenue Code, are excluded as resources. (7-1-24)

**365. INDIVIDUAL DEVELOPMENT ACCOUNT EXCLUDED AS A RESOURCE.**

The cash value of an Individual Development Account (IDA) under Section 56-1101(5), Idaho Code, is excluded as a resource. (7-1-24)

**366. -- 372. (RESERVED)**

**373. GOVERNMENT PAYMENTS EXCLUDED.**

Government payments for the restoration of a home damaged in a disaster are excluded as a resource. The household must be subject to legal sanction if the funds are not used as intended. (7-1-24)

**374. EXCLUDED INACCESSIBLE RESOURCES.**

The cash value of resources not legally available to the household is excluded as a resource. The household must provide proof resources are not available. (7-1-24)

**375. FROZEN OR SECURED ACCOUNTS EXCLUDED.**

Frozen bank accounts used as security for a loan or due to bankruptcy proceedings are excluded as resources. (7-1-24)

**376. REAL PROPERTY EXCLUDED IF ATTEMPT TO SELL.**

Real property is excluded as a resource if the household is making a good faith effort to sell it at a reasonable price. The Department will verify the property is for sale and the household has not refused a reasonable offer. (7-1-24)

**377. TRUST FUNDS EXCLUDED.**

Trust funds are excluded if all conditions listed below are met: (7-1-24)

**01. Trust Irrevocable or Not Changeable by Household.** The household must be unable to revoke the trust agreement or change the name of the beneficiary during the certification period. (7-1-24)

**02. Trust Unlikely to End During Certification.** The trust arrangement must be unlikely to end during the certification period. (7-1-24)

**03. Trustee Independent from Household Control.** The trustee of the fund is either a court, institution, corporation, or organization not under the direction or ownership of a household member, or a court-appointed person who has court-imposed limits placed on the use of funds. (7-1-24)

**04. Trust Not Under Control of Household-Directed Business.** The trust investments do not directly involve or help any business or corporation under the control, direction, or influence of a household member. (7-1-24)

**05. Origin and Use of Trust.** The funds held in an irrevocable trust are: (7-1-24)

**a.** Set up from the household's own funds. The trustee uses the funds only to make investments for the trust, or to pay education or medical expenses of the beneficiary; or (7-1-24)

**b.** Set up from nonhousehold funds by a nonhousehold member. (7-1-24)

**378. INSTALLMENT CONTRACTS EXCLUDED.**

An installment contract for the sale of land and buildings is excluded as a resource. The purchase price must be consistent with the property's fair market value. The contract or agreement must produce income consistent with the

property's fair market value. Income is consistent with the property's fair market value when consistent with area market trends. The actual property sold under an excluded installment contract is excluded as a resource. Property held as security for the fulfillment of an excluded installment contract is excluded as a resource. (7-1-24)

**379. TREATMENT OF EXCLUDED RESOURCES.**

An excluded resource kept in a separate account is excluded for an unlimited period. If an excluded resource is combined with countable resources, the resource is not counted for six (6) months from the date the funds are combined. After six (6) months, the total combined resources are counted. (7-1-24)

**380. (RESERVED)**

**381. NONLIQUID RESOURCES WITH LIENS EXCLUDED.**

A nonliquid resource, with a lien placed against it, is excluded. The lien must result from a business loan. The lien agreement must forbid the household to sell the resource. (7-1-24)

**382. (RESERVED)**

**383. EXCLUDED RESOURCE CHANGES TO COUNTED RESOURCE.**

Resource value increases when a participant replaces an excluded resource with a counted resource. (7-1-24)

**384. -- 385. (RESERVED)**

**386. TRANSFER OF RESOURCES.**

Households that knowingly transfer resources for the purpose of qualifying or attempting to qualify for Food Stamps benefits are disqualified from participation in the program for up to one (1) year from the date of the discovery of the transfer. (7-1-24)

**387. TRANSFER OF RESOURCE NOT COUNTED FOR DISQUALIFICATION.**

A transferred resource is not counted for disqualification, under the conditions below: (7-1-24)

**01. Three Months Before Application.** The transfer of a resource was more than three (3) months before the date of Food Stamp application. (7-1-24)

**02. Resources Less Than Limit.** The transfer, when added to the other countable resources, does not exceed the resource limit. (7-1-24)

**03. Transfer at Fair Market Value.** The sale or trade of a resource, made at or near the fair market value, is not counted. (7-1-24)

**04. Transfer Between Household Members.** A resource transferred between members of the same household, including ineligible legal non-citizens or disqualified persons whose resources are considered available to the household, is not counted. (7-1-24)

**05. Transfer for Reasons Other Than Food Stamps.** A resource transferred for reasons other than trying to qualify for Food Stamps is not counted. (7-1-24)

**388. DISQUALIFICATION FOR TRANSFERRING RESOURCES.**

The Department will base the disqualification period on the amount the transferred resource exceeds the resource limit, when added to other countable resources. Disqualification periods are listed in Table 388. The disqualification period begins in the first month of application or recertification.

Amount in Excess of the Resource Limit	Months of Disqualification
\$0 - 249.99	1
\$250 - 999.99	3

<b>Amount in Excess of the Resource Limit</b>	<b>Months of Disqualification</b>
\$1,000 - 2999.99	6
\$3,000 - 4,999.99	9
\$5,000 or more	12

(7-1-24)

**389. -- 399. (RESERVED)**

**400. INCOME.**

All household income is counted in the Food Stamp budget unless excluded under these rules. Income can be earned or unearned. (7-1-24)

**401. EARNED INCOME.**

Earned income includes, but is not limited to the following. (7-1-24)

**01. Wages or Salary.** Wages and salaries of an employee, advances, tips, commissions, meals, and military pay are earned income. Garnishments from wages are earned income. (7-1-24)

**02. Self-Employment Income.** Income from self-employment, including capital gains, is earned income. Rental property is self-employment income if a household member manages the property an average of twenty (20) or more hours per week. Payment from a roomer or boarder is self-employment income. (7-1-24)

**03. Training Allowances.** From programs such as Vocational Rehabilitation. (7-1-24)

**04. Payments Under Title I.** Such as VISTA and University Year for Action under P.L. 93-113. (7-1-24)

**05. On-the-Job Training Programs.** WIOA income includes monies paid by WIOA or the employer. Income from WIOA on-the-job training programs is earned income, unless paid to a household member under age nineteen (19). The household member under age nineteen (19) must be under the control of another household member. (7-1-24)

**06. Basic Allowance for Housing (BAH).** An Armed Services housing allowance. (7-1-24)

**402. UNEARNED INCOME.**

Unearned income includes, but is not limited to the following: (7-1-24)

**01. Public Assistance (PA).** Payments from SSI, TAFI, AABD, GA, or other Public programs. (7-1-24)

**02. Retirement Income.** Payments from annuities, pensions, and retirement. (7-1-24)

**03. Strike Benefits.** (7-1-24)

**04. Veteran's Benefits.** (7-1-24)

**05. Disability Income.** (7-1-24)

**06. Workers' Compensation.** (7-1-24)

**07. Unemployment Insurance.** (7-1-24)

**08. Contributions.** (7-1-24)

- 09. Rental Property Income.** Minus the cost of doing business, if a household member is not managing the property at least twenty (20) hours per week. (7-1-24)
- 10. Support Payments.** Includes child support payments. (7-1-24)
- 11. Alimony.** (7-1-24)
- 12. Educational Benefits Unless Excluded.** (7-1-24)
- 13. Regular Payments from a Government Source.** Payments or allowances a household receives that are funded from a government source. (7-1-24)
- 14. Dividends, Interest, and Royalties.** (7-1-24)
- 15. Contract Income From the Sale of Property.** (7-1-24)
- 16. Funds From Trusts.** Monies withdrawn from trusts exempt as a resource. Dividends paid or dividends that could be paid from trusts exempt as a resource. (7-1-24)
- 17. Recurring Lump Sum Payments.** (7-1-24)
- 18. Cash Prizes, Gifts, and Lottery Winnings.** (7-1-24)
- 19. Diverted Support or Alimony.** Child support or alimony payments diverted by the provider to a third party to pay a household expense. (7-1-24)
- 20. Agent Orange Payments.** Payments made under the Agent Orange Act of 1991 and disbursed by the US Treasury. (7-1-24)
- 21. Garnishments.** (7-1-24)
- 22. Tribal Gaming Income.** The participant can choose to count the income in the month received, or prorate the income over the period it is intended to cover. (7-1-24)
- 23. Other Monetary Benefits Not Otherwise Counted or Excluded.** (7-1-24)
- 403. -- 404. (RESERVED)**
- 405. EXCLUDED INCOME.**  
Income excluded when computing Food Stamp eligibility is listed below: (7-1-24)
- 01. Money Withheld.** Money withheld voluntarily or involuntarily, from an assistance payment, earned income, or other income source, to repay an overpayment from that income source. (7-1-24)
- 02. Child Support Payments.** Child support payments received by TAFI recipients that are withheld by the state. (7-1-24)
- 03. Earnings of Household Member Under Age Eighteen Attending School.** The member must be under parental control of another household member and attending elementary or secondary school. In this rule, a student is someone who attends elementary or secondary school, or who attends GED or home-school classes that are recognized, operated, or supervised by the school district. This exclusion applies during semester and summer vacations if enrollment will resume after the break. If the earnings of the child and other household members cannot be differentiated, the Department will prorate equally among the working members and exclude the child's share. (7-1-24)
- 04. Educational Income.** Includes grants, scholarships, fellowships, work study, educational loans on which payment is deferred, and veterans' educational benefits. To be excluded, education benefits must meet

requirements under 7 CFR 273.9(c)(3). (7-1-24)

**05. Infrequent or Irregular Income.** If it does not exceed thirty dollars (\$30) total in a three (3) month period. (7-1-24)

**06. Cash Donations.** Based on need and received from one (1) or more private nonprofit charitable organizations. The donations must not exceed three hundred dollars (\$300) in a calendar quarter of an FFY. (7-1-24)

**07. Income in Kind.** Any gain or benefit, such as meals, garden produce, clothing, or shelter, not paid in money. (7-1-24)

**08. Vendor Payments.** Payment made on behalf of a household by a person or organization outside of the household directly to either the household's creditors or to a person or organization providing a service to the household. (7-1-24)

**09. Third Party Payments.** Payment by a third party on behalf of a household using funds that are not owed to the household. (7-1-24)

**10. Loans.** Money received that is to be repaid (7-1-24)

**11. Money for Third Party Care.** Money received and used for the care and maintenance of a third party who is not in the household. If a single payment is for both household members and nonhousehold members, the identifiable portion of the payment for nonhousehold members is excluded. If a single payment is for both household members and nonhousehold members, the Department will exclude the lesser of: (7-1-24)

**a.** The prorated share of the nonhousehold members if the portion cannot be identified. (7-1-24)

**b.** The amount used for the care and maintenance of the nonhousehold members. (7-1-24)

**12. Reimbursements.** For past or future expenses not exceeding actual costs. Payments must not represent a gain or benefit, be used for the purpose intended, and be for other than normal living expenses. Excluded reimbursements are not limited to: (7-1-24)

**a.** Travel, per diem, and uniforms for job or training. (7-1-24)

**b.** Out-of-pocket expenses of volunteer workers. (7-1-24)

**c.** Medical and dependent care expenses. (7-1-24)

**d.** Pay for services provided by Title XX of the Social Security Act. (7-1-24)

**e.** Repayment of loans made by the household from their personal property limit. The repayment must not exceed the amount of the loan. (7-1-24)

**f.** Work-related and dependent care expenses paid by the JSAP program. (7-1-24)

**g.** Transitional child care payments. (7-1-24)

**h.** Child care payments under the Child Care and Dependent Block Grant Act of 1990. (7-1-24)

**13. Federal Earned Income Tax Credit (EITC).** (7-1-24)

**14. Work Study.** Work Study income received while attending post-secondary school. (7-1-24)

**15. HUD FSS Escrow Account.** The federal exclusion for these funds is only excluded while the funds are in the escrow account or being used for a HUD-approved purpose. See Section 363 of these rules for further clarification. (7-1-24)

**16. Temporary Census Earnings.** Wages earned for temporary employment related to US Census activities during the regularly scheduled ten (10) year US Census. (7-1-24)

**17. Income Excluded by Federal Law.** (7-1-24)

**406. (RESERVED)**

**407. INCOME AND ELIGIBILITY VERIFICATION SYSTEM (IEVS).**

Income must be verified with the IEVS system for all households applying for or getting Food Stamps and for disqualified members with income counted toward the household Food Stamp benefits. (7-1-24)

**408. (RESERVED)**

**409. USE OF IEVS INFORMATION FOR APPLICANT HOUSEHOLDS.**

IEVS data must be used to compute eligibility and benefits if IEVS data is received before the application is processed. IEVS data on applicant households must be used as soon as possible, even if the applicant household was approved before the IEVS data was received. Action on applications must not be delayed pending receipt of IEVS data. If IEVS data requiring further proof is received before application approval the proof must be obtained and resolved before approving the application. If an applicant household cannot provide an SSN at application, IEVS data must be used as soon as possible after the SSN is known. IEVS data must be used for all household members, eligible, excluded or disqualified. (7-1-24)

**410. (RESERVED)**

**411. VERIFIED UPON RECEIPT IEVS DATA.**

The IEVS data listed below is considered verified upon receipt, unless it is questionable: (7-1-24)

**01. Benefit Data Exchange (BENDEX).** BENDEX Social Security retirement and disability income data. (7-1-24)

**02. State Data Exchange (SDX).** Benefit and eligibility data from SSA under Titles II and XVI of the Social Security Act accessed through the SDX. (7-1-24)

**03. TAFI.** (7-1-24)

**04. AABD.** (7-1-24)

**05. Medicaid.** The Federally aided program for medical care (Title XIX, Social Security Act). (7-1-24)

**412. UNVERIFIED IEVS DATA.**

The IEVS data listed below is considered unverified: (7-1-24)

**01. IRS Reported Unearned Income.** Data from IRS, including any unreported assets producing income. (7-1-24)

**02. Wage File.** Data from Department of Commerce and Labor or its counterpart in another state. Wage data from Beneficiary Earning Exchange Record (BEER). (7-1-24)

**03. Self-Employment Earnings.** Data from BEER. (7-1-24)

**04. Income Information the Department Deems Questionable.** (7-1-24)

**413. -- 427. (RESERVED)**

**428. CALCULATION OF SELF-EMPLOYMENT INCOME.**

Self-employment is generally considered annual or seasonal. The Department will add all gross self-employment

income, either actual or anticipated, and capital gains and exclude the costs of producing the self-employment income and divide the remaining amount of self-employment income by the number of months over which the income will be averaged. This amount is the monthly self-employment income. (7-1-24)

**01. Self-Employment Expense Deduction.** The Department will use a standard fifty percent (50%) self-employment deduction unless the applicant claims the actual allowable expenses exceed the standard deduction and provides proof of the expenses. (7-1-24)

**02. Allowable Costs of Producing Self-Employment Income.** Costs of labor, stock, raw material, seed and fertilizer, payments on the principal of the purchase price of income-producing real estate and capital assets, equipment, machinery, and other durable goods, interest paid to purchase income-producing property, insurance premium, and taxes paid on income-producing property. (7-1-24)

**03. Costs Not Allowable.** Net losses from previous periods, federal, state, and local income taxes, money set aside for retirement, work-related personal expenses (such as transportation to and from work), depreciation, amount that exceeds the payment a household receives from a boarder for lodging and meals, net losses from previous periods, and federal, state, and local income taxes. (7-1-24)

**429. SELF-EMPLOYED FARMER.**

To be considered a self-employed farmer, a person must receive, or expect to receive, an annual gross income of one thousand dollars (\$1,000) or more earned from farming activities. If a farmer's cost of producing self-employment income results in a loss, the Department subtracts the loss from other countable income in the household under 7 CFR 273.11(a)(2)(ii)(A) and (B). (7-1-24)

**430. -- 500. (RESERVED)**

**501. INITIAL CHANGES IN FOOD STAMP CASE.**

The Department will act on changes in household circumstances found during the application or the initial interview. (7-1-24)

**01. Food Stamp Issuance Changes.** The Department will make changes to the household's Food Stamp issuance when it is required to act on a change. (7-1-24)

**02. Change Before Certification.** If a household reports a change in household circumstances before certification, the Department will include the reported information in determining Food Stamp eligibility and amount. (7-1-24)

**03. Change After Certification.** If a household reports a change after the initial Food Stamp benefit has been paid, the Department must act on the change as required by policy for acting on changes within a certification period. Notice of the change must be given to the Food Stamp household. (7-1-24)

**502. EARNED INCOME WHEN A HOUSEHOLD MEMBER TURNS AGE EIGHTEEN.**

When a child attending elementary or secondary school turns age eighteen (18), the Department will not count earned income received or expected by that person until the next six-month or twelve-month contact, or recertification. (7-1-24)

**503. -- 507. (RESERVED)**

**508. PROJECTING MONTHLY INCOME.**

Income is projected for each month. Past income may be used to project future income. Changes expected during the certification period must be considered. Criteria for projecting monthly income is listed below: (7-1-24)

**01. Income Already Received.** The Department will count income already received by the household during the month. If the actual amount of income from any pay period is known, use the actual pay period amounts to determine the total month's income. The Department will convert the actual income to a monthly amount if a full month's income has been received or is expected to be received. (7-1-24)

**02. Anticipated Income.** The Department will count income that the household and the Department anticipate the household will get during the remainder of the certification period. If the exact income amount is uncertain or unknown, that portion must not be counted. If the date of receipt of income cannot be anticipated for the month of the eligibility determination, that portion must not be counted. If the income has not changed and no changes are anticipated, the Department will use the income received in the past thirty (30) days as one (1) indicator of anticipated income. If changes in income have occurred or are anticipated, past income cannot be used as an indicator of anticipated income. If income changes and income received in the past thirty (30) days do not reflect anticipated income, the Department can use the household income received over a longer period to anticipate income. If income changes seasonally, the Department can use the household income from the last season, comparable to the certification period, to anticipate income. (7-1-24)

**509. TYPES OF INCOME TO BE AVERAGED.**

Types of income to be averaged are listed below. Income for a destitute migrant or seasonal farm worker household is not averaged. (7-1-24)

**01. Self-Employment Income.** (7-1-24)

**02. Contract Income.** Income over the period of the contract, if not received on an hourly or piecework basis. Households with averaged contract income include school employees, share croppers, and farmers. These households do not include migrants or seasonal farm workers. (7-1-24)

**03. Income Received Less Often Than Monthly.** When receipt of income is less often than monthly, the anticipated income can be averaged over the period intended to cover to determine the average monthly income. (7-1-24)

**04. Child Support Income.** Can be averaged to make a valid projection for ongoing income. (7-1-24)

**510. -- 511. (RESERVED)**

**512. SPECIAL CASES FOR COUNTING INCOME.**

Special cases for counting income are listed below: (7-1-24)

**01. Wages Held at the Request of Employee.** Income in the month the wages would have been paid by the employer. (7-1-24)

**02. Garnishments Held by Employer.** Income in the month the wages would have been paid. (7-1-24)

**03. Wages Held by Employer, Other Than Garnishment and Employee Request.** Even if in violation of law, are not counted as income. (7-1-24)

**04. Advances on Wages.** Count as income if the household reasonably expects the advance to be paid. (7-1-24)

**05. Varying Payment Cycles.** Households getting unearned or earned income on a recurring monthly or semi-monthly basis do not have varying income merely because mailing or payment cycles cause additional payments to be received in a month. The income is counted for the month it is intended. (7-1-24)

**06. Nonrecurring Lump Sum Payments and Capital Gains.** Nonrecurring lump sum payments must not be counted as income, but are counted as a resource starting in the month received. Nonrecurring lump sum payments include capital gains from the sale or transfer of securities, real estate, or other real property held as an investment for a set period. The capital gains are income only if the assets were used in self-employment. (7-1-24)

**513. -- 531. (RESERVED)**

**532. GROSS INCOME LIMIT.**

Households exceeding the gross income limit for the household size are not eligible unless they are categorically



eligible or have an elderly or disabled member. A household with an elderly or disabled household member is exempt from the gross income limit. (7-1-24)

**533. HOUSEHOLD ELIGIBILITY AND BENEFIT LEVEL.**

A household's eligibility and benefit level is calculated under 7 CFR 273.10, except as indicated below. The deductions in this rule are subtracted from non-excluded income. (7-1-24)

**01. Standard Deductions.** Are determined by federal law. (7-1-24)

**02. Earned Income Deduction.** Is twenty percent (20%) of gross earned income. (7-1-24)

**03. Homeless Shelter Deduction.** Is established by FNS. (7-1-24)

**04. Excess Medical Deduction.** Excess medical expense is nonreimbursed medical expense of more than thirty-five dollars (\$35) per household per month. The household member must be either age sixty (60) or older or disabled to get this expense deduction. Special diets are not deductible. For allowable medical expenses, see Section 535 of these rules. (7-1-24)

**05. Dependent Care Expense Deduction.** Is for monthly dependent care expenses. The dependent care may be needed for children or adults. (7-1-24)

**06. Child Support Expense Deduction.** Is the legally obligated child support and arrearage the household pays, or expects to pay, to or for a non-household member. (7-1-24)

**07. Excess Shelter Expense Deduction.** Excess shelter expense is the monthly shelter cost over fifty percent (50%) of the household's income after all other deductions, and is not deducted if the household has received the homeless shelter deduction. For allowable shelter expenses, see Section 542 of these rules. (7-1-24)

**534. AVERAGING INFREQUENT, FLUCTUATING, OR ONE-TIME ONLY EXPENSES.**

Infrequent, fluctuating, or one-time only expenses for medical, child support, shelter, or child care may be averaged. (7-1-24)

**535. MEDICAL EXPENSES.**

Elderly or disabled household members that incur medical expenses over thirty-five dollars (\$35) per month are allowed a Standard Medical Expense (SME) deduction. Eligible households must verify monthly medical expenses of more than thirty-five dollars (\$35) at initial application. Households with medical expenses that exceed the monthly SME may either verify the minimum amount to receive the SME or request and verify excess costs to receive an actual expense deduction at application and recertification. The household must provide proof of the incurred or anticipated cost before a deduction is allowed. (7-1-24)

**536. DEPENDENT CARE EXPENSES.**

The care of a dependent must be necessary to maintain employment, conduct job search, or attend school or training. The dependent care expenses must be deducted from income. (7-1-24)

**537. DEPENDENT CARE RESTRICTIONS.**

The following types of dependent care cannot be deducted: (7-1-24)

**01. Care by Household Member.** If the care is provided by another household member. (7-1-24)

**02. In-Kind Payment.** Such as food or exchanges for shelter. (7-1-24)

**03. Vendor Payment.** (7-1-24)

**04. Spouse Can Give Care.** If the spouse in the home is physically capable of the dependent care and is not working, seeking work, or registered for work. (7-1-24)

**05. Dependent Care.** If paid or reimbursed under a federal child care program. (7-1-24)

**538. CHILD SUPPORT EXPENSES.**

Child support expense may be deducted for a household paying or expecting to pay legally obligated child support to or for a person living outside the household. The child support expense deducted must reflect the child support the household pays or expects to pay during the certification period, rather than the obligated amount. (7-1-24)

**539. -- 541. (RESERVED)**

**542. COSTS ALLOWED FOR SHELTER DEDUCTION.**

Shelter costs are current charges for the shelter occupied by the household and include costs for the home temporarily not occupied because of employment or training away from home or illness. (7-1-24)

**543. UTILITY ALLOWANCES.**

The shelter deduction is computed using one (1) of four (4) utility allowances: SUA, LUA, MUA, or TUA. Utility allowances are not prorated. (7-1-24)

**01. Standard Utility Allowance (SUA). (7-1-24)**

**a.** The household must have a primary heating or cooling cost to qualify for SUA. The heating or cooling costs must be separate from rent or mortgage payments. (7-1-24)

**b. Households are limited to one (1) SUA. (7-1-24)**

**02. Limited Utility Allowance (LUA).** The household must be billed for more than one (1) utility that is not for heating or cooling. (7-1-24)

**03. Minimum Utility Allowance (MUA).** The household must be billed for one (1) utility that is not for heating, cooling, or telephone service. (7-1-24)

**04. Telephone Utility Allowance (TUA).** The household must be billed for telephone service and have no other verified utility expenses. (7-1-24)

**544. -- 546. (RESERVED)**

**547. COSTS NOT ALLOWED FOR THE SHELTER DEDUCTION.**

The costs listed below are not allowed in computing the shelter deduction. (7-1-24)

**01. Fees for a One-Time Utility Deposit. (7-1-24)**

**02. Damage or Advance Deposits on Rentals. (7-1-24)**

**03. Payments Made to Pay Past Due Rent. (7-1-24)**

**04. Cost to Cut the Household's Own Wood for Heating. (7-1-24)**

**05. Furniture Rental Fees. (7-1-24)**

**06. Insurance on Furniture or Personal Belongings. (7-1-24)**

**07. Vehicle Not Used as Residence.** Payments or gasoline costs on vehicles used only for recreation. (7-1-24)

**08. Repairs Not Paid by Household.** Costs for repairing or replacing shelter paid by private or public agencies, insurance companies, or any other source. (7-1-24)

**09. Shelter Not Paid by Household but Paid by a Vendor or Employer. (7-1-24)**

**10. Utility Costs Paid by HUD or FmHA Negative Utility Payment.** (7-1-24)

**548. COMPUTING THE SHELTER DEDUCTION.**

The shelter deduction is computed as listed below: (7-1-24)

**01. If Household has Elderly or Disabled Member.** The Department will deduct the monthly shelter cost exceeding fifty percent (50%) of the household's income after all other deductions. (7-1-24)

**02. If Household has No Elderly or Disabled Member.** The Department will deduct the excess of fifty percent (50%) of the household's income, after all other deductions, up to the maximum limit under Title 7 USC Section 2014. (7-1-24)

**549. NET INCOME LIMIT TEST.**

Categorically eligible households do not have to meet the net income limit. All other households, including those with an elderly or disabled household member, must not exceed the net income limit to be eligible for Food Stamps. (7-1-24)

**550. DETERMINATION OF FOOD STAMP BENEFIT.**

The Food Stamp benefit is computed under 7 CFR 273.9 and 273.10. (7-1-24)

**551. ROUNDING FOOD STAMP PAYMENT.**

Income and deductions are not rounded in determining gross or net income. Only the final Food Stamp amount is rounded. (7-1-24)

**552. -- 561. (RESERVED)**

**562. PRORATING INITIAL MONTH'S BENEFITS.**

Prorating is based on a thirty (30) day calendar month. Benefits are prorated from the application date to the end of the month. (7-1-24)

**563. FOOD STAMP PRORATING FORMULA.**

The prorated Food Stamp amount is determined under 7 CFR 273.10(a)(1)(iii)(B). If the amount for the initial month is less than ten dollars (\$10), benefits must not be issued. (7-1-24)

**564. BENEFITS AFTER THE INITIAL MONTH.**

After the initial month, benefits must be issued as described below. (7-1-24)

**01. All Eligible One and Two Person Households.** Receive a minimum allotment equal to eight percent (8%) of the maximum one (1) person allotment. (7-1-24)

**02. All Eligible Three or More Person Households.** When the calculation of benefits would yield a zero benefit, the Department will deny the household's application on the grounds that its net income exceeds the level at which benefits are issued. (7-1-24)

**03. Not Categorically Eligible.** All households, except categorically eligible households, must be denied if the household's net income exceeds the level at which benefits are issued. (7-1-24)

**565. -- 572. (RESERVED)**

**573. ACTING ON HOUSEHOLD COMPOSITION CHANGES.**

Changes in household composition are not required to be reported. If a household does report a change in household composition, the Department will act on the change using options under 7 CFR 273.12(c). (7-1-24)

**574. (RESERVED)**

**575. HOUSEHOLD COMPOSITION CHANGES FOR STUDENT.**

Ineligible students are defined as nonhousehold members. When a student's status changes, the change is treated as a

new person entering or leaving the Food Stamp household. (7-1-24)

**576. -- 587. (RESERVED)**

**588. NOTICE OF DECISION TO HOUSEHOLDS.**

The Department must send the household a written notice as soon as Food Stamps are approved or denied. The household must get the notice no later than thirty (30) days after the application date. (7-1-24)

**589. -- 600. (RESERVED)**

**601. REPORTING REQUIREMENTS AND RESPONSIBILITIES.**

Changes may be reported by phone, mail, other electronic interfaces, or in person to the Department. Households must report when: (7-1-24)

**01. Household's Total Gross Income Exceeds One Hundred Thirty Percent (130%) of FPG for the Household Size.** (7-1-24)

**02. There is a Decrease in the Household's ABAWD Hours to Less Than Eighty (80) Hours Per Month.** (7-1-24)

**03. There are Substantial Lottery Winnings.** Defined as equal to or greater than the financial resource limit for elderly or disabled households not subject to the Broad-Based Categorical Eligibility (BBCE) resource limit. (7-1-24)

**602. (RESERVED)**

**603. PERSON OUTSIDE HOUSEHOLD FAILS TO PROVIDE PROOF -- CHANGES.**

Food Stamps cannot be closed solely because a person outside the household fails to provide requested proof. The Department will attempt to get another source of proof if a person outside the household does not provide requested proof. Disqualified household members are not persons outside the household. (7-1-24)

**604. -- 610. (RESERVED)**

**611. TIME FRAMES FOR REPORTING CHANGES IN HOUSEHOLD CIRCUMSTANCES.**

Households reporting required changes to the Department must do so by the tenth day of the month following the month in which the change occurred. If Food Stamps are over-issued because a household fails to report required changes, a claim determination must be prepared. A person can be disqualified for failure to report a change if they commit an IPV. (7-1-24)

**612. (RESERVED)**

**613. CHANGES ON WHICH THE DEPARTMENT MUST ACT.**

The Department must follow the procedures for acting on reported changes under 7 CFR 273.12. (7-1-24)

**614 -- 616. (RESERVED)**

**617. INCREASES IN FOOD STAMP BENEFITS.**

**01. Household Reports a Change.** If a household reports a change that results in an increase in Food Stamps and the proof cannot be obtained through interfaces or data brokers, the Department must allow the household ten (10) days to provide proof. (7-1-24)

**02. Failure to Provide Proof of Change.** If the household fails to provide proof of a change that would increase the benefit level, the Food Stamp benefit remains at the amount already established. (7-1-24)

**03. Proof Provided Within Ten Days.** If the household provides proof within ten (10) days of reporting the change, the Department will increase the Food Stamp benefits beginning the month immediately

following the month in which the change was reported. For changes reported after the 20th of the month, a supplement is issued for the next month no later than the 10th of the next month. If the change is reported and verified after the final date to adjust Food Stamp benefits for the following month in the Department's automated eligibility system, the change to the Food Stamp benefits must be made by the following month, even if a supplement must be issued. (7-1-24)

**04. Proof Not Provided Within Ten Days.** If the household fails to provide proof within ten (10) days of reporting the change, but provides proof later, benefits are increased the month after the proof of the change is provided. (7-1-24)

**618. DECREASES IN FOOD STAMP BENEFITS.**

If the Department acts on a change that results in a decrease in Food Stamp benefits, the Department must give timely notice, if required. The notice must explain the reason for the action. (7-1-24)

**619 -- 620. (RESERVED)**

**621. TAFI OR AABD HOUSEHOLD REPORTING CHANGES.**

If a change in the AABD or TAFI grant results in a change in the household's Food Stamp benefits, the Department must count the new grant amount, regardless of whether the Food Stamps increase or decrease. If a change requires a reduction or ending of TAFI or AABD and Food Stamp benefits, the Department will issue a Notice of Decision for both programs. If the household makes a timely request for a fair hearing and continued benefits, Food Stamp benefits continue pending the hearing. The household must reapply if certification expires before the hearing is complete. (7-1-24)

**622. CHANGE ENDS TAFI OR AABD INCOME.**

Food Stamp benefits will be closed only if there is a change on which the Department is required to act. If TAFI or AABD ends and the household remains Food Stamp eligible, the Department must advise the household of any applicable work registration requirements. (7-1-24)

**623. FAILURE TO TAKE REQUIRED ACTION.**

If the Department is unable to make a change in Food Stamp eligibility or issuance and an overissuance results, the Department will collect the overpayment. If the Department fails to act on a change that increases household benefits, the Department will restore lost benefits. (7-1-24)

**624. -- 628. (RESERVED)**

**629. NOTICE OF LOWERING OR ENDING BENEFITS.**

Households must be sent a Notice of Decision when Food Stamps are ended or reduced unless notice is not required under these rules. (7-1-24)

**630. ADEQUATE NOTICE.**

Adequate notice is a written statement telling the household the action the Department is taking. The notice must tell the reasons for the action and advise the household of the right to a hearing. All notices must be adequate. If Food Stamps are reduced, the household must receive the notice on or before the first day of the month the action is effective. (7-1-24)

**631. TIMELY NOTICE.**

Timely notice must be mailed at least ten (10) days before the effective date of the action. (7-1-24)

**632. TIMELY NOTICE NOT REQUIRED.**

Timely notice is not required when the conditions listed below are met. Adequate notice must be given. (7-1-24)

**01. Statement of Household.** The Department gets a clear, written, signed statement from the household. Food Stamps can be ended or reduced from the facts given in the household statement. (7-1-24)

**02. Food Stamps Reduced After Closure Notice.** The household is sent a notice of closure because it did not provide requested proof. The household provides the proof before the first day of the month of closure. If the

proof results in reduced Food Stamps, the reduced benefits are issued. (7-1-24)

**03. Food Stamps Closed or Reduced Because of IPV Penalty.** The Department must impose the IPV penalty the first of the month after the month it gives written notice to the participant. (7-1-24)

**633. NOTICE OF CHANGES NOT REQUIRED.**

Notice to individual Food Stamp households is not required when the conditions under Subsection 633.01 in this rule are met. Mass notice must be given in some situations under Subsection 633.02 in this rule: (7-1-24)

**01. Waiver by the Household.** A household member or authorized representative provides a written statement requesting closure. The person gives information causing reduction or an end to benefits and states, in writing, they know adverse action will be taken. The person acknowledges in writing continuation of benefits is waived if a fair hearing is requested. (7-1-24)

**02. Mass Changes.** Include changes: (7-1-24)

**a.** In the income limit tables. (7-1-24)

**b.** In the issuance tables. (7-1-24)

**c.** In Social Security benefits. (7-1-24)

**d.** In SSI payments. (7-1-24)

**e.** In TAFI or AABD grants. (7-1-24)

**f.** Caused by a reduction, suspension, or cancellation of Food Stamps ordered by the Secretary of USDA. (7-1-24)

**g.** When the Department performs mass changes, it notifies Food Stamp households of the mass change by one (1) of the following methods: (7-1-24)

**i.** Media notices. (7-1-24)

**ii.** Posters in the Food Stamp offices and issuance locations. (7-1-24)

**iii.** A general notice mailed to households. (7-1-24)

**03. Mass Changes in TAFI or AABD.** When a mass change to TAFI or AABD causes a Food Stamp change, the Department will use the following criteria: (7-1-24)

**a.** If the Department has thirty (30) days advance notice of the TAFI or AABD mass change, Food Stamps must be adjusted the same month as the change. (7-1-24)

**b.** If the Department does not have advance notice, Food Stamp benefits must be changed no later than the month after the TAFI or AABD mass change. (7-1-24)

**c.** Ten (10) day advance notice to Food Stamp households is not required. Adequate notice must be sent to Food Stamp households. (7-1-24)

**d.** If a household requests a fair hearing because of an issue other than mass change, the Department will continue Food Stamps. (7-1-24)

**04. Notice of Death.** Notice is not required when the Department learns of the death of all household members. (7-1-24)

**05. Completion of Restored Benefits.** Notice is not required when an increased allotment, due to

restored benefits, ends. The household must have been notified in writing when the increase would end. (7-1-24)

**06. Joint Public Assistance and Food Stamp Applications.** Notice is not required if the household jointly applies for TAFI or AABD and Food Stamps and gets Food Stamps pending TAFI or AABD approval. The household must be notified at certification that Food Stamps will be reduced upon TAFI or AABD approval. (7-1-24)

**07. Converting From Repayment to Benefit Reduction.** Notice is not required if a household with an IHE or IPV claim fails to repay under the repayment schedule. An allotment reduction is enforced. (7-1-24)

**08. Households Receiving Expedited Service.** Notice is not required if all the following conditions are met: (7-1-24)

- a.** The applicant received expedited services. (7-1-24)
- b.** Proof was postponed. (7-1-24)
- c.** A regular certification period was assigned. (7-1-24)
- d.** Written notice, stating future Food Stamps depend on postponed proof, was given at approval. (7-1-24)

**09. Residents of a Substance Use Disorder Treatment Center or a Group Living Arrangement Center.** Notice is not required when the Department ends Food Stamps to residents of a substance use disorder treatment center or group living arrangement center if: (7-1-24)

- a.** The Department revokes the center's certification. (7-1-24)
- b.** FNS disqualifies the center as a retailer. (7-1-24)

**634. VERBAL REQUEST FOR END OF FOOD STAMPS.**

If a household makes a verbal request for closure, the Department will end the benefits, and notify the household with a ten (10) day advance Notice of Decision. (7-1-24)

**635. -- 638. (RESERVED)**

**639. CONTINUATION OF BENEFITS PENDING A HEARING.**

The household retains the right to continued benefits when the household requests a fair hearing within the ten (10) day notice period. The household must request this continuation of Food Stamps. If certification has not expired, Food Stamps can continue at the former level. Benefits must be continued within five (5) working days of the household's request for a fair hearing. (7-1-24)

**640. (RESERVED)**

**641. REDUCING OR ENDING BENEFITS BEFORE HEARING DECISION.**

Benefits may be ended or reduced before the hearing decision, if any of the following is met: (7-1-24)

**01. Appeal of Federal Law.** The hearing official states, in writing, the sole issue being appealed is one of federal law, regulation, or policy. (7-1-24)

**02. Food Stamp Issuance Changes.** Food Stamp eligibility or benefit level changes occur before the hearing decision and a new hearing is not requested. (7-1-24)

**03. Food Stamp Certification Period Expires.** (7-1-24)

**04. Mass Change Occurs Before the Hearing Decision.** (7-1-24)

**642. -- 643. (RESERVED)**

**644. EXPIRATION OF CERTIFICATION PERIOD.**

Household eligibility ends when the certification period expires. (7-1-24)

**645. RECERTIFICATION PROCESS.**

The Department must follow the recertification procedures under 7 CFR 273.14. (7-1-24)

**646. NOTICE OF DECISION FOR TIMELY RECERTIFICATION.**

A Notice of Decision must be sent to households that reapply for Food Stamps. To receive Food Stamps with no break in issuance, households must complete a six-month or twelve-month contact or recertification before the fifteenth day of the last month of certification or six-month or twelve-month contact period. If the household applies before the fifteenth day of the month, the Department will notify the household of eligibility or denial by the end of the current certification period. (7-1-24)

**647. -- 649. (RESERVED)**

**650. RESTORATION OF LOST BENEFITS.**

Lost benefits must be restored. The Department may find Food Stamps have been incorrectly denied, ended, or underissued to an eligible household. The Department may learn of lost benefits from case reviews, Quality Control reviews, or other sources. Benefits are restored when caused by a Department error, when a fair hearing is reversed, or an IPV disqualification is reversed. The Department will restore benefits to eligible and previously eligible households and to households who have moved out of state. The Department will restore benefits for SSA joint processing errors. (7-1-24)

**651. TIME FRAMES FOR RESTORATION OF BENEFITS.**

Benefits must not be restored if lost more than twelve (12) months before notification or discovery. (7-1-24)

**01. Lost Benefits Reported by Household.** Are restored when the Department learns of lost benefits reported by the household, a person outside the household, or by another agency. Twelve (12) months are counted from the month the Department is notified of the lost benefits. (7-1-24)

**02. Lost Benefits Discovered by Department.** Are restored when the Department discovers lost benefits during the course of business. Twelve (12) months are counted from the month the Department discovers the benefits were lost. (7-1-24)

**03. Lost Benefits From Fair Hearing.** Are restored to a household that requests a fair hearing and the decision is in the household's favor. Twelve (12) months are counted from the effective date of the adverse action causing the fair hearing. (7-1-24)

**652. -- 655. (RESERVED)**

**656. REPLACING FOOD DESTROYED BY A DISASTER.**

Conditions and procedures for replacing food destroyed by a disaster are listed below. The food must have been purchased with Food Stamps. (7-1-24)

**01. Food Destroyed in a Disaster.** The actual value of loss, not to exceed one (1) month's allotment, can be replaced. The food bought with Food Stamps must have been destroyed in a disaster. The disaster may involve only the household, such as a house fire, or a larger scope, such as a flood. There is no limit on the number of times food destroyed in a disaster may be replaced. (7-1-24)

**02. Replacement Time Limit for Disaster Loss.** The Department must provide either disaster Food Stamps or replacement Food Stamps, but not both, within ten (10) days of the reported loss, if: (7-1-24)

**a.** The household reports the disaster within ten (10) days of the incident. (7-1-24)

**b.** The disaster is verified by collateral contact, an organization such as the Fire Department or Red Cross, or by home visit. (7-1-24)



**657. -- 674. (RESERVED)**

**675. IPV, IHE, AND AE FOOD STAMP CLAIMS.**

An overissuance exists when the amount of Food Stamps issued exceeds the Food Stamps a household is eligible to receive. The Department must establish a claim against the household, to recover the value of Food Stamps overissued or misused. The types of Food Stamp claims are listed below. (7-1-24)

**01. Intentional Program Violation (IPV) Claim.** A overissuance caused by an intentional, knowing, and willful program violation. (7-1-24)

**02. Inadvertent Household Error (IHE) Claims.** An error, without intent to cause an overissuance, which results in a Food Stamp overissuance. Causes of IHE claims are: (7-1-24)

**a.** Failure to give information. A household, without intent to cause an overissuance, fails to give correct or complete information. (7-1-24)

**b.** Failure to report change that was required to be reported. A household, without intent to cause an overissuance, fails to report changes or to report at all. (7-1-24)

**c.** Failure to comply. A household, without intent to cause an overissuance, fails to comply due to language barrier, educational level, or not understanding written or verbal instructions. (7-1-24)

**d.** Pending IPV. An IHE claim occurs between the time of an IPV referral and the IPV decision. (7-1-24)

**03. Agency Error Claim (AE).** A claim that results from an overissuance caused by a Department action or a failure to act. (7-1-24)

**676. PERSONS LIABLE FOR FOOD STAMP CLAIMS.**

The persons listed below are responsible for paying a claim. (7-1-24)

**01. Adult Household Members.** Adult members of the household at the time of the overissuance or trafficking are liable. They are individually and jointly liable, whether residing in the household where the claim arose, or in any other household. (7-1-24)

**02. Sponsor of an Alien.** The sponsor of an alien household member if the sponsor is at fault for the claim. (7-1-24)

**03. Person Connected to the Household.** A person connected to the household, such as an authorized representative, who trafficks or causes an overissuance or trafficking. (7-1-24)

**677. COMPUTING FOOD STAMP CLAIMS.**

The Department computes Food Stamp claims as described below. (7-1-24)

**01. Claims Not Related to Trafficking.** The Department computes claims not related to trafficking back to a minimum of twelve (12) months before it became aware of the overissuance. The Department does not compute these claims back more than six (6) years. For an IPV claim, the Department computes back to the month the first IPV occurred. The Department continues to compute back a minimum of twelve (12) months before the first IPV. The Department does not compute IPV claims back more than six (6) years before the first IPV. (7-1-24)

**02. Trafficking-Related Claims.** Are the value of the trafficked Food Stamps as determined by: (7-1-24)

**a.** The individual's admission. (7-1-24)

**b.** Adjudication. (7-1-24)

- c. The documentation forming the basis for the trafficking determination. (7-1-24)

**678. -- 691. (RESERVED)**

**692. DETERMINING DELINQUENT CLAIMS.**

The Department determines if a claim is delinquent using the following. (7-1-24)

**01. Claim Not Paid by Due Date.** Is delinquent if there is not a satisfactory payment arrangement. The claim remains delinquent until paid in full, a satisfactory repayment agreement is negotiated, or allotment reduction is invoked. (7-1-24)

**02. Payment Arrangement Not Followed.** The claim is delinquent if a payment arrangement is established, but scheduled payment is not made by the due date. The claim remains delinquent until paid in full, allotment reduction is invoked, or the Department agrees to resume or renegotiate the repayment schedule. (7-1-24)

**03. Previous Claim.** A claim is not delinquent if another claim for the same household is being paid through an installment agreement or allotment reduction. The Department begins collection on the new claim after the first claim is settled. (7-1-24)

**04. Collection Coordinated Through Court.** A claim is not delinquent if the Department is unable to determine delinquency status because collection is coordinated through the court system. (7-1-24)

**05. Claim Awaiting Hearing Decision.** Is not delinquent. If later, the hearing officer affirms a claim does exist against the household, the Department notifies the household. (7-1-24)

**693. (RESERVED)**

**694. COLLECTING CLAIMS.**

The Department collects payment for claims using the methods listed below. (7-1-24)

**01. Allotment Reduction.** The Department reduces the Food Stamp allotment to collect the claim. (7-1-24)

**a.** For an IPV claim, the allotment reduction limit is the greater of twenty dollars (\$20) per month or twenty percent (20%) of the household's monthly allotment. (7-1-24)

**b.** For an IHE or AE claim, the allotment reduction limit is the greater of ten dollars (\$10) per month or ten percent (10%) of the household's monthly allotment. The household can agree to a higher amount. (7-1-24)

**c.** The Department does not reduce the initial month's Food Stamps unless the household agrees to this reduction. (7-1-24)

**02. Household Repays the Claim from its EBT Account.** (7-1-24)

**03. Payment by Cash, Check, or Money Order.** (7-1-24)

**04. Household Performing Public Service.** Payment by public service as ordered by a court, specifically as payment of a claim. (7-1-24)

**05. Collection by Treasury Offset Program (TOP).** The Department submits claims delinquent for one hundred and eighty (180) days, or more, for collection through TOP. (7-1-24)

**695. TOP NOTICES.**

The Department will provide the household with a notice of intent to collect via Treasury offset. The notice must inform the household of the right to request a Department review of the intended collection action. The Department must receive the request for review within sixty (60) days of the notice of intent to collect. The notice of review

determination must inform the household of the right to request that FNS review the Department's decision. The notice must include instructions for requesting a review by FNS and the address of the FNS regional office. (7-1-24)

**696. EFFECTS OF TOP ON THE FOOD STAMP HOUSEHOLD.**

When a claim is referred to TOP, any eligible federal payment owed to the household may be intercepted and applied to the claim to reduce the debt. The household may be required to pay collection or processing fees charged by the federal government to intercept the payment. (7-1-24)

**697. REMOVING A CLAIM FROM TOP.**

The Department removes a claim from TOP under the conditions listed below. (7-1-24)

- 01. Instructed by FNS or Treasury.** (7-1-24)
- 02. Household Undergoing Allotment Reduction.** (7-1-24)
- 03. Claim Is Paid in Full.** (7-1-24)
- 04. Claim Is Satisfied Through a Hearing, Termination, Compromise, or Other Means.** (7-1-24)
- 05. Household Arranges to Resume Payments.** (7-1-24)

**698. INTENTIONAL PROGRAM VIOLATION (IPV).**

An IPV includes the actions listed below. The participant must intentionally, knowingly, and willfully commit a program violation. (7-1-24)

**01. False Statement.** A person makes a false statement to the Department, either orally or in writing, to get Food Stamps. (7-1-24)

**02. Misleading Statement.** A person makes a misleading statement to the Department, either orally or in writing, to get Food Stamps. (7-1-24)

**03. Misrepresenting.** A person misrepresents facts to the Department, either orally or in writing, to get Food Stamps. (7-1-24)

**04. Concealing.** A person conceals or withholds facts to get Food Stamps. (7-1-24)

**05. Violation of Regulations.** A person commits any act violating the Food Stamp Act, federal regulations, or state Food Stamp regulations. The violation may relate to use, presentation, transfer, acquisition, receipt, or possession of Food Stamps. (7-1-24)

**06. Trafficking in Food Stamps.** Means any of the following: (7-1-24)

**a.** The buying, selling, stealing, or otherwise effecting an exchange of food stamp benefits issued and accessed via EBT cards, card numbers, and personal identification numbers (PINs), or by manual voucher and signature, for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone; (7-1-24)

**b.** Attempting to buy, sell, steal, or otherwise affect an exchange of food stamp benefits issued and accessed via EBT cards, card numbers, and PINs, or by manual voucher and signatures, for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone; (7-1-24)

**c.** The exchange of firearms, ammunition, explosives, or controlled substances, defined under Section 802 of Title 21, USC, for food stamp benefits; (7-1-24)

**d.** Purchasing a product with food stamp benefits that has a container requiring a return deposit with the intent of obtaining cash by discarding the product and returning the container for the deposit amount, intentionally discarding the product, and intentionally returning the container for the deposit amount; (7-1-24)

e. Purchasing a product with food stamp benefits with the intent of obtaining cash or consideration other than eligible food by reselling the product, and subsequently intentionally reselling the product purchased with food stamp benefits in exchange for cash or consideration other than eligible food; or (7-1-24)

f. Intentionally purchasing products originally purchased with food stamp benefits in exchange for cash or consideration other than eligible food. (7-1-24)

**699. ESTABLISHING AN INTENTIONAL PROGRAM VIOLATION (IPV).**

The Department establishes an IPV by the actions listed below. (7-1-24)

**01. Waiver.** The participant signs a waiver to a disqualification hearing. (7-1-24)

**02. Hearing.** An administrative disqualification hearing determines an IPV. (7-1-24)

**03. Judgment.** A court judgment determines an IPV. (7-1-24)

**700. ADMINISTRATIVE RESPONSIBILITY FOR ESTABLISHING IPV.**

The Department must investigate and refer cases for an IPV determination. If there is enough recorded evidence to establish an IPV, the Department must take the actions listed below: (7-1-24)

**01. Act to Collect.** The Department must act to collect overissuances. The Department must set up IHE overissuance claims when a suspected IPV claim is not pursued under administrative or prosecution procedures. (7-1-24)

**02. Obtain Administrative Disqualification.** The Department pursues administrative disqualification when: (7-1-24)

a. The case facts do not warrant civil or criminal prosecution. (7-1-24)

b. The case referred for prosecution was declined. (7-1-24)

c. The case was referred for prosecution and no action was taken in a reasonable time. (7-1-24)

d. The case was referred for prosecution, but the case was withdrawn by the Department. (7-1-24)

**03. Do Not Obtain Administrative Disqualification.** The Department must not pursue an administrative disqualification in cases: (7-1-24)

a. Being referred for prosecution. (7-1-24)

b. After any prosecutor action against the accused if the case issues are the same or related circumstances. (7-1-24)

**701. PENALTIES FOR AN IPV.**

IPV persons are ineligible for Food Stamps for twelve (12) months for the first violation, for twenty-four (24) months for the second violation, and permanently for the third violation. The Department will disqualify only the person(s) who committed the IPV. The Department will notify the person in writing of the disqualification penalty. The penalty continues without interruption until completed, regardless of the eligibility of the disqualified person. An IPV penalty can be imposed even if no overissuance claim exists. (7-1-24)

**01. Administrative Disqualification Hearings.** The disqualification begins no later than the first day of the second month following the date the person gets written notice of the disqualification. (7-1-24)

**02. Waivers.** The disqualification begins the first day of the month following the date the person gets the written notice of disqualification. (7-1-24)

**03. Court Decisions.** The disqualification begins on the date imposed by the court (to start the beginning of the following month) or, if no date is specified, within forty-five (45) days of the date the disqualification was ordered, beginning the first day of the month. (7-1-24)

**702. PENALTIES FOR IPV TRAFFICKING.**

IPV persons are ineligible for Food Stamps for two (2) years for the first finding by a court the recipient purchased illegal drugs with Food Stamps, are permanently ineligible for Food Stamps for a second finding by the court the recipient purchased illegal drugs with Food Stamps, and are permanently ineligible for Food Stamps for a first finding by a court the recipient purchased firearms, ammunition, or explosives with Food Stamps. A person convicted of trafficking in Food Stamp benefits of five hundred dollars (\$500) or more is permanently disqualified from the Food Stamp program. (7-1-24)

**703. PENALTIES FOR IPV RECEIPT OF MULTIPLE BENEFITS.**

A person found making a fraudulent statement or representation about identity or residence to get multiple benefits is ineligible for Food Stamps for ten (10) years for the first and second offenses and permanently for the third offense. (7-1-24)

**704. -- 714. (RESERVED)**

**715. WAIVED HEARINGS.**

Persons accused of an IPV may waive their right to an administrative disqualification hearing by completing and signing a Waiver of Disqualification Hearing. If the reviewers determine a waiver is proper, each household member suspected of IPV must be mailed or given a Waiver of Disqualification Hearing. (7-1-24)

**716. DISQUALIFICATION AFTER WAIVED HEARING.**

Persons waiving their right to an IPV administrative disqualification hearing must have penalties imposed. (7-1-24)

**717. COURT REFERRALS.**

Procedures for court referrals are listed below: (7-1-24)

**01. Referred Cases.** The Department may refer persons to law enforcement or county prosecutor who are suspected of getting or receiving Food Stamps by committing an IPV, or persons suspected of committing an IPV. (7-1-24)

**02. Impose Court Penalties.** The Department must disqualify a person found guilty of IPV by a court for the length of time specified by the court. The disqualified member's household will remain responsible for the overissuance, resulting from the disqualified member's IPV, regardless of the household's eligibility. If the court fails to specify a period, the Department will use the IPV penalty periods under Section 701 of these rules unless they are contrary to the court order. (7-1-24)

**718. DEFERRED ADJUDICATION.**

Deferred Adjudication is an out-of-court settlement between the accused IPV member and the prosecutor. Terms of the settlement are listed below: (7-1-24)

**01. Deferred Judgment Conditions.** Guilt is not decided by the court because the accused person has met the terms of a court order or an agreement with the prosecutor. (7-1-24)

**02. Agreement with Prosecutor.** If the Department has an agreement with the prosecutor, the prosecutor may defer adjudication. The prosecutor must agree to give advance written notice to the member stating the consequences of consenting to disqualification. (7-1-24)

**03. Notice to Food Stamp Member.** If the prosecutor decides deferred adjudication is fitting, the household member suspected of IPV must be mailed or presented with a Deferred Adjudication Disqualification Consent Agreement. (7-1-24)

**04. Disqualification Period.** The period of disqualification must begin within forty-five (45) days of the date the member signed the Deferred Adjudication Disqualification Consent Agreement. The period of

disqualification must begin as agreed upon with the prosecutor. Once a disqualification penalty is imposed against a member, the period continues uninterrupted regardless of the household's eligibility. The disqualified member's household continues to be responsible for overissuance repayment resulting from the disqualified member's IPV regardless of the household's eligibility. (7-1-24)

**05. Notice of Disqualification.** The Department must provide a completed Notice of Disqualification before the disqualification to the disqualified member and remaining household members. The Department must provide a Demand Letter for Overissuance and Repayment Agreement. (7-1-24)

**719. (RESERVED)**

**720. CLAIMS DISCHARGED BY BANKRUPTCY.**

The Department will act for FNS in bankruptcy proceedings against households owing claims. The Department may file proofs of claims, objections to discharge, exceptions, petitions, and any other documents, motions, or objectives FNS might have filed. (7-1-24)

**721. (RESERVED)**

**722. INTERSTATE CLAIMS COLLECTION.**

Idaho is responsible for initiating and continuing collection action on any Food Stamp recipient claim regardless of whether the household remains in Idaho. (7-1-24)

**723. -- 727. (RESERVED)**

**728. FOOD STAMP REDUCTION, SUSPENSION, OR CANCELLATION.**

Food Stamps for all Food Stamp households must be reduced suspended, or cancelled, if ordered by the USDA Secretary to comply with Section 18 of the Food Stamp Act of 1977. Reduced Food Stamps are computed using the thrifty food plan amounts and are reduced by a percentage defined by FNS. Food Stamp reduction, suspension, and cancellation rules are described below: (7-1-24)

**01. Reducing Food Stamps.** FNS will notify the Department of the effective date of reduction and of the thrifty food plan reduction percentage. The Department must: (7-1-24)

**a.** Act immediately to carry out the reduction. (7-1-24)

**b.** Guarantee one (1) and two (2) person households a minimum benefit of equal to eight percent (8%) of the maximum one (1) person allotment unless the reduction is ninety percent (90%) or more of total projected monthly benefits. (7-1-24)

**02. Restoring Lost Benefits.** Households whose Food Stamps are reduced or cancelled under this rule are not entitled to restoration of benefits. Reductions or cancellations of Food Stamps may be ordered restored by the USDA Secretary. (7-1-24)

**03. Suspension or Cancellation.** If a suspension or cancellation is in effect, no Food Stamps are to be issued to the applicant. (7-1-24)

**04. Hearings.** Any household whose allotment was reduced, suspended, or cancelled under this rule can request a fair hearing. (7-1-24)

**729. -- 750. (RESERVED)**

**751. BOARDERS.**

Rules for Food Stamp boarders are listed below: (7-1-24)

**01. Boarder Included with Food Stamp Household.** Boarders may be included in the Food Stamp household providing board. The Food Stamp household must request the boarder be included. The household must be otherwise eligible. (7-1-24)

**02. Foster Children and Foster Adults.** Foster children and foster adults are boarders. Foster care payments and guardianship payments are not income for Food Stamps if the foster child and adult do not get Food Stamps as part of the household. If the household requests the foster child and adult be included in the Food Stamp household, foster care payments and guardianship payments are counted. (7-1-24)

**03. Certified Family Home (CFH).** CFH residents are considered boarders and may be included in the CFH providers household. (7-1-24)

**04. Meal Compensation.** Boarder status must be given to persons paying a reasonable monthly amount for meals. (7-1-24)

**a.** Payments for more than two (2) meals a day must equal or exceed the thrifty food plan for the boarder household size. (7-1-24)

**b.** Payments for two (2) meals or less per day must equal or exceed two-thirds (2/3) of the thrifty food plan for the boarder household size. (7-1-24)

**05. Nonboarder Status.** A person paying less than a reasonable amount for meals is a member of the household providing board. (7-1-24)

**06. Income from Boarders.** If the boarder is not a Food Stamp household member: (7-1-24)

**a.** The meals and lodging payment is self-employment income for the Food Stamp household. (7-1-24)

**b.** The boarder's income and resources are not counted for the Food Stamp household. (7-1-24)

**752. STRIKERS.**

Households with strikers are not eligible to get Food Stamps unless the household was eligible the day before the strike. (7-1-24)

**753. SPONSORED LEGAL NON-CITIZENS.**

Sponsored legal non-citizens are lawfully admitted for permanent United States residence. A sponsor executes an I-864 affidavit of support on behalf of legal non-citizen. The income and resources of the sponsor will be deemed until the legal non-citizen becomes a naturalized citizen or until they have worked forty (40) qualifying quarters of coverage under Title II of the Social Security Act, or the sponsor dies. A qualifying quarter includes a quarter worked by the legal non-citizen's parent while the legal non-citizen was under eighteen (18) and a quarter worked by the legal non-citizen's spouse during marriage if the legal non-citizen remains married to the spouse or the spouse is deceased. Any quarter after January 1, 1997, in which a legal non-citizen received any federal means-tested benefit is not counted as a qualifying quarter. (7-1-24)

**754. DEEMING INCOME AND RESOURCES TO SPONSORED LEGAL NON-CITIZEN.**

Income and resources of the sponsor are deemed available to the legal non-citizen. If the sponsor lives with their spouse, the spouse's income and resources are also deemed available to the legal non-citizen. The income and resources are deemed, even if the sponsor and spouse were married after the sponsor signed the sponsorship agreement. The Department counts income and resources deemed to the legal non-citizen toward Food Stamp eligibility and issuance level of the legal non-citizen's household. (7-1-24)

**01. Battered Legal Non-Citizen Whose Sponsor Signed an Affidavit of Support.** For sponsor deeming, a battered legal non-citizen includes the non-citizen and the child of the non-citizen. The non-citizen or child must be battered in the US by a spouse, parent, or member of the family in the same household. The non-citizen must not participate in, or acquiesce to, the battering of the child. (7-1-24)

**a.** A battered legal non-citizen whose sponsor signed an affidavit of support is exempt from the sponsor deeming requirement for one (1) year if the need for Food Stamps is connected to the battery and the legal non-citizen no longer lives with the batterer. (7-1-24)

b. The exemption from the sponsor deeming requirement can exceed more than one (1) year if the legal non-citizen demonstrates the battery has been recognized in an order of a judge or by the INS and the need for Food Stamps is connected to the battery. (7-1-24)

**02. Indigent Legal Non-Citizen Whose Sponsor Signed an Affidavit of Support.** A non-citizen is indigent if the household income does not exceed one-hundred thirty percent (130%) of the poverty income guideline (gross income limit) for the household size. (7-1-24)

a. For an indigent non-citizen, the Department counts the non-citizen's own income and the cash or in-kind income and resources provided by the sponsor and spouse who signed an affidavit of support. (7-1-24)

b. A legal non-citizen that satisfies the indigent exemption criteria is exempt from deeming for twelve (12) months. The exemption can be renewed for additional twelve-month periods. (7-1-24)

c. If a legal non-citizen is granted an indigence exemption, the Department must provide written notification to the Statistics Branch of the INS on an annual basis. Required information includes written notice of the determination, the sponsored legal non-citizen's name, and the sponsor's name. (7-1-24)

d. A legal non-citizen can elect to decline the indigent exemption to avoid sponsor liability and notification to the INS. (7-1-24)

e. If the legal non-citizen declines the indigent exemption, the household is subject to sponsored deeming. (7-1-24)

**755. – 756. (RESERVED)**

**757. SPONSORED LEGAL NON-CITIZEN'S RESPONSIBILITY.**

The legal non-citizen and their spouse are responsible for getting the sponsor to cooperate with the Department in determining Food Stamp eligibility. The legal non-citizen and their spouse are responsible for providing the information and proof to determine the income and resources of the sponsor and sponsor's spouse. The legal non-citizen and their spouse are responsible for providing information and proof to determine if the sponsor sponsors other legal non-citizens and how many. (7-1-24)

**758. – 760. (RESERVED)**

**761. COLLECTING CLAIMS AGAINST SPONSORS WHO SIGNED AN I-864 AFFIDAVIT OF SUPPORT ON OR AFTER DECEMBER 19, 1997.**

Claims may be collected against a sponsor who signed an I-864 affidavit of support on or after December 19, 1997, and is found to have provided false statements or withheld information. (7-1-24)

**762. COLLECTING CLAIMS AGAINST SPONSORED LEGAL NON-CITIZENS.**

Claims may be collected against sponsored legal non-citizens with a sponsor who signed an I-864 affidavit of support on or after December 19, 1997. Action may be taken to collect by submitting an IHE or IPV. (7-1-24)

**763. REIMBURSEMENT FOR BENEFITS RECEIVED.**

A sponsor who signed an affidavit on or after December 19, 1997, must reimburse the Department for the amount of Food Stamps received by the sponsored legal non-citizen if false information is provided or information is withheld. At the time of application for a sponsored legal non-citizen, the legal non-citizen's sponsor must be notified that he will be required to reimburse the Department for the entire amount of Food Stamps received by the sponsored legal non-citizen. (7-1-24)

**764. -- 790. (RESERVED)**

**791. RESIDENT OF AN INSTITUTION.**

A resident of an institution is not eligible for Food Stamps unless the resident meets one (1) of the requirements listed below. A person is a resident of an institution if the institution provides over fifty percent (50%) of the person's meals



as a part of normal services. Residents must be otherwise Food Stamp eligible. (7-1-24)

**01. Resident Under Housing Act.** The resident is in federally subsidized housing for the elderly, under Section 202 of the Housing Act or 236 of the National Housing Act. (7-1-24)

**02. Person with Substance Use Disorder.** The resident is a person with a substance use disorder living and taking part in a treatment and rehabilitation program. (7-1-24)

**03. Blind or Disabled.** The person is a disabled or blind resident of a group living arrangement. (7-1-24)

**04. Battered Woman and Child(ren).** The resident is a woman or a woman and her child(ren), temporarily living in a shelter for battered women and children. (7-1-24)

**a.** The woman is a separate household from other shelter residents for Food Stamps. (7-1-24)

**b.** The woman and her children are a separate household from other shelter residents for Food Stamps. (7-1-24)

**05. Homeless Person.** The resident is a person living in a public or private nonprofit shelter for homeless persons. (7-1-24)

**792. PRERELEASE APPLICANTS FROM PUBLIC INSTITUTIONS.**

Residents of public institutions who apply for prerelease program SSI may apply for Food Stamps before their release from public institutions. The application date is the date the person is released from the institution. Eligibility is based on the best estimate of a household's circumstances for the release month and the month after. Eligibility and Food Stamp amount are based on income and resources. Food Stamps for the initial month are prorated from the date the person is released from the institution to the end of the calendar month. (7-1-24)

**793. SUBSTANCE USE DISORDER TREATMENT CENTERS.**

**01. Center Provides Certification List.** Each month, each center must give the field office a list of current participant residents. The list's accuracy must be certified in writing by the center manager or designee. The Department must conduct random on-site visits to assure list accuracy. If the list is not accurate, or the Department fails to act on the change, the Department may transfer the Food Stamp amount from the center's account to the household's Food Stamp account, for the months the household was not living in the center. (7-1-24)

**02. Center Misusing Food Stamps.** The Department must promptly notify FNS if it believes a center is misusing Food Stamps. The Department must not act before FNS takes action against the center. (7-1-24)

**794. TREATMENT CENTER RESPONSIBILITIES.**

Each treatment center must follow Food Stamp application standards, except for: (7-1-24)

**01. Return Food Stamps.** (7-1-24)

**a.** The center must return to the Department all issue documents and Food Stamps not given to a departing resident. (7-1-24)

**b.** Food Stamps must be returned to the Department if the participant left before the sixteenth of the month and the center was unable to give them the Food Stamps. (7-1-24)

**c.** Food Stamps must be returned to the Department if they were left over for a resident who left on or after the sixteenth of the month. (7-1-24)

**02. Give Food Stamps to Departing Participant.** (7-1-24)

**a.** The center must give the departing participant the ID card and any unredeemed Food Stamps.

(7-1-24)

**b.** The center must give the participant a full month's Food Stamps if they have been issued, but none have been spent on behalf of the participant. (7-1-24)

**c.** The center must give the departing participant one-half (1/2) of the monthly Food Stamps if the participant leaves before the sixteenth of the month and a portion of the Food Stamps have been spent on behalf of the participant. (7-1-24)

**d.** If the participant leaves the center on or after the sixteenth, and Food Stamps were issued and used, the center is not required to give Food Stamps to the participant. (7-1-24)

**03. Food Stamp Misuse.** The center must be disqualified if it is administratively or judicially found the center misappropriated or used Food Stamps for purchases not contributing to a certified participant's meals. (7-1-24)

**04. FNS Disqualifies Center.** If FNS disqualifies a center as a retailer, the Department must close residents' cases. Individual notice of adverse action is not required. (7-1-24)

**795. RESIDENTS OF GROUP LIVING ARRANGEMENTS.**

Disabled or blind residents of public or private non-profit group living arrangements, serving no more than sixteen (16) residents, may get Food Stamps. Residents get Food Stamps under the same standards as other households. Group living arrangements rules are listed below: (7-1-24)

**01. FNS-Authorized Retailer or Department Certified.** The center must be an FNS-authorized retailer or be certified by the Department as a non-profit group living center. Center status must comply with Section 1616(e) of the Social Security Act or comparable standards of the Secretary of USDA. (7-1-24)

**02. Application Option.** Residents may apply on their own, as a group, or through an authorized representative employed and designated by the center. Residents may apply through an authorized representative of the resident's choice. (7-1-24)

**03. Residents Apply on Their Own Behalf.** A person or a group of residents making up a household can apply on their own behalf. The center must determine the resident is physically and intellectually capable of handling their own affairs. If the resident is eligible, the center does not act as the authorized representative. The resident or group is responsible for reporting any changes affecting eligibility or benefit level. The resident is responsible for overissuances. (7-1-24)

**04. Certification.** Residents of a center applying through the center's authorized representative must be certified as a one (1) person household. Residents of a center applying on their own behalf must be certified according to household size. (7-1-24)

**05. Residents Are Exempt From Work Registration.** (7-1-24)

**06. Residents Are Entitled to Notices of Adverse Action.** If a group living arrangement center loses its authorization or certification, notice is not required. (7-1-24)

**07. Using Food Stamps.** The Food Stamps may be used by the resident, a group of residents, or by the center to purchase food for the resident. The center may accept Food Stamps as payment for meals. If residents purchase or prepare food for home consumption, the center must ensure each resident's Food Stamps are used for meals intended for that resident. (7-1-24)

**796. SHELTERS FOR BATTERED WOMEN AND CHILDREN.**

The Department must determine if the shelter for battered women and children is a public or private non-profit residential facility. The Department must determine if the shelter serves only battered women and their children. If the facility serves other persons, the Department must determine if a portion of the facility is set aside to serve only battered women and children. Shelters having FNS authorization to redeem Food Stamps on a wholesale basis meet

the shelter definition. Battered women and children shelter rules are listed below: (7-1-24)

**01. Food Stamp Eligibility.** Women and children who recently left a household containing a person who abused them may get Food Stamps, even if the household they left was getting Food Stamps. Shelter residents may apply for and get separate Food Stamps only once in a month. The original Food Stamp certification must have included the person who subjected them to abuse. The resident household must meet eligibility criteria for income, resources, and expenses. (7-1-24)

**02. Income, Resources, and Expenses of the Household Are Counted.** Income, resources, and expenses of their former household, containing the person who subjected them to abuse, are not counted. Jointly held resources are inaccessible if the resources are jointly owned by the shelter resident and members of the abusive household. Jointly held resources are inaccessible if the shelter residents' access to the resource is dependent on the agreement of the joint owner still living in the former household. Room payments to the shelter are shelter expenses. (7-1-24)

**03. Food Stamps for Former Household.** The Department must take prompt action to correct the former household's eligibility and allotment. The Department must issue a ten (10) day advance notice of adverse action. (7-1-24)

**797. -- 815. (RESERVED)**

**816. PURCHASE OF PREPARED MEALS.**

Persons listed below may purchase prepared meals with their Food Stamps at sites authorized to accept Food Stamps. (7-1-24)

**01. Older Persons Eating at Communal Dining Facility.** Persons sixty (60) or older and their spouses, or persons who receive SSI and their spouses, can use Food Stamps to buy meals made for them at communal dining facilities authorized to accept Food Stamps. (7-1-24)

**02. Persons Unable to Prepare Meals Getting Meal Delivery Service.** A person sixty (60) years of age or over, and a spouse, can elect to use Food Stamps to purchase meals from a nonprofit meal delivery service. A housebound, physically handicapped, or otherwise disabled person, unable to adequately prepare all meals, and a spouse, can elect to use Food Stamps to purchase meals from a nonprofit meal delivery service. (7-1-24)

**03. Resident Center.** A resident of a residential treatment center for substance use disorders can use Food Stamps at the center. The person must be enrolled in a treatment and rehabilitation program operated by a nonprofit organization or institution. (7-1-24)

**04. Battered Women and Children.** A resident of a shelter for battered women and children can use Food Stamps to purchase meals prepared by the shelter. (7-1-24)

**05. Homeless.** A homeless Food Stamp participant can use Food Stamps to buy meals prepared by a homeless meal provider. (7-1-24)

**817. -- 849. (RESERVED)**

**850. FOOD STAMP HOUSEHOLD RIGHTS.**

The Food Stamp household has rights protected by federal and state laws and Department rules. The Department must inform participants of their rights during the application process and eligibility reviews. Food Stamp rights are listed below: (7-1-24)

**01. Application.** The right to get an application on the date requested. (7-1-24)

**02. Application Registered.** The right to have the signed application accepted right away. (7-1-24)

**03. Representative.** The right to have an authorized representative if the applicant cannot get to the Food Stamp office. The authorized representative must have knowledge of the applicant's situation. (7-1-24)

**04. Thirty Day Processing.** The right to have the application processed and Food Stamps issued within thirty (30) days. (7-1-24)

**05. Notification.** The right to be told in writing of: (7-1-24)

**a.** The reasons for the Department's action if the application is rejected. (7-1-24)

**b.** The reasons for the Department's action if Food Stamps are reduced or stopped. (7-1-24)

**06. Fair Hearing.** The right to request a fair hearing about the Department's decision. The right to request a fair hearing if the household feels discrimination has taken place in any way. Food Stamp fair hearings must be requested within ninety (90) days from the day notice is mailed. In certain situations, Food Stamps may continue if a fair hearing is requested. (7-1-24)

**851. (RESERVED)**

**852. FOOD STAMP HOUSEHOLD RESPONSIBILITIES.**

The Food Stamp household must provide correct and complete information so the Department can make accurate eligibility and benefit decisions. The responsibilities of the Food Stamp household are listed below: (7-1-24)

**01. Provide Information.** The Food Stamp household must provide information to determine Food stamp eligibility. This includes, but is not limited to, all information about household income, work, and housing cost. (7-1-24)

**02. Quality Control.** The Food Stamp household must cooperate with Quality Control if the case is selected for review. (7-1-24)

**853. DEPARTMENT INFORMING RESPONSIBILITIES.**

The Department must inform the Food Stamp household of what is expected of the household in the eligibility determination process and advise the household of the information listed below: (7-1-24)

**01. Households Rights and Responsibilities.** (7-1-24)

**02. Eligibility Factors That Must be Met and Proven.** (7-1-24)

**03. Consequences for Failure to Provide Proof of Eligibility Factors.** (7-1-24)

**04. Alternate Methods to Prove Eligibility When Household is Unable to Provide Proof.** (7-1-24)

**05. Methods the Department Uses to Prove Eligibility When Household is Unable to Provide Proof.** (7-1-24)

**06. Social Security Numbers the Department Will Use to Get Wage, Income, and Employment Information.** (7-1-24)

**854. DEPARTMENT WILL DOCUMENT ELIGIBILITY DECISIONS.**

The Department will document eligibility, ineligibility, and Food Stamp issuance in the case record. The Department must record enough detail to support the Food Stamp determination. (7-1-24)

**855. -- 860. (RESERVED)**

**861. NO DISCRIMINATION IN FOOD STAMP PROGRAM.**

The Department must not allow human rights discrimination in the Food Stamp Program. The Department will administer the Food Stamp program so no applicant or recipient in Idaho is discriminated for or against due to race, color, gender, or age. The Department will administer the Food Stamp program so no applicant or recipient in Idaho is discriminated for or against, due to political or religious belief or affiliation, national origin, handicap, or disability.

(7-1-24)

**862. PUBLIC NOTICE FOR NO DISCRIMINATION.**

The Department will inform the public via the application form that the Food Stamp Program is conducted without discrimination. The Department must display the USDA poster “And Justice for All” in all field offices. The application form must inform the public the Food Stamp Program is conducted without discrimination. (7-1-24)

**863. (RESERVED)**

**864. DISCRIMINATION COMPLAINT PROCEDURE.**

Any person can file a discrimination complaint. The person may use the Department’s complaint procedure. The person may file a complaint directly to FNS, to the Department, or both. The field office must explain both procedures orally or in writing. (7-1-24)

**865. DISCLOSURE OF INFORMATION.**

The Department will make available to any federal, state, or local law enforcement officer the address, SSN, and (if available) photograph of a Food Stamp recipient. The officer must furnish the recipient’s name and provide the Department the federally required evidence the person is fleeing to avoid prosecution, custody, or confinement for a felony, violating a condition of parole or probation, or has information necessary for the officer to conduct an official duty related to a felony or parole violation. (7-1-24)

**866. AVAILABILITY OF PUBLIC INFORMATION.**

Rules, state plans of operation, procedures, handbooks, manuals, and instructions used to certify households must be available to the public. These materials must be available for public examination during regular office hours and workdays. See 7 CFR 272.1(d). (7-1-24)

**867. FOOD STAMP INFORMATION REQUIREMENTS.**

Federal regulations and procedures in FNS notices and policy memos must be available for examination by the public. State plans of operation must be available for examination by the public. Examination may take place during office hours at Department headquarters. Handbooks must be available for examination upon request at each field office. The Department must provide information about Food Stamps through mass media, posters, fliers, pamphlets, and face-to-face contacts. Minimum requirements are listed below: (7-1-24)

**01. Rights and Responsibilities.** Households must be informed of Food Stamp program rights and responsibilities. (7-1-24)

**02. Bilingual Information.** All program information must be available in Spanish. (7-1-24)

**868. -- 871. (RESERVED)**

**872. PROGRAM TRANSFER DURING CERTIFICATION PERIOD.**

Households changing from Food Stamps to Food Distribution Program on Indian Reservations (FDPIR) must end their participation the last day of the month they choose to change programs. (7-1-24)

**873. -- 878. (RESERVED)**

**879. REVIEW OF CASE FILE.**

The participant or their representative can review their case file under IDAPA 16.05.01, “Use and Disclosure of Department Records.” (7-1-24)

**880. -- 882. (RESERVED)**

**883. REFUSAL TO COOPERATE WITH QUALITY CONTROL REVIEWS.**

The Department is required to conduct monthly random quality control reviews of food stamp cases, denials of food stamp applications, and issuance amounts. If a household is selected and refuses to cooperate in a quality control review, it is not eligible for food stamp benefits. (7-1-24)

**01. Advance Notice to End Food Stamps.** The Department must send the household advance notice to end Food Stamps. The notice must list the reason for the proposed action, the right to a hearing, the right to schedule a conference or to continue the review. (7-1-24)

**02. Food Stamp Eligibility During Quality Control Review Period, After Refusal to Cooperate.** The household is not eligible for Food Stamps during the Quality Control review period until it cooperates with the review. (7-1-24)

**884. -- 999. (RESERVED)**