

**Title of Proposed Rule:** Technical Cleanup of the Food Assistance Program  
**CDHS Tracking #:** 18-09-28-02  
**CCR #:** 10 CCR 2506-1  
 Office, Division, & Program: OES, FEAD, Food Assistance Phone: 303-866-5813  
 Rule Author: Teri Chasten E-Mail: Teri.Chasten@state.co.us

**RULEMAKING PACKET**

**This package is submitted to State Board Administration as:** *(check all that apply)*

AG Initial Review      
  Initial Board Reading      
  AG 2<sup>nd</sup> Review      
  Second Board Reading / Adoption

This package contains the following types of revisions to the rule: *(number of sections with the following edits)*

119 Amended  
 \_\_\_\_\_ New  
6 Repealed  
 \_\_\_\_\_ Reviewed

What month is being requested for this rule to first go before the State Board?  
 Presented at State Board for the first time- December 2018

What date is being requested for this rule to be effective? March 2019  
 Is this date legislatively required? No.

Is this rule change based on legislation? No.   If so, bill number:

I hereby certify that I am aware of this rule-making and that any necessary consultation with the Executive Director's Office, Budget and Policy Unit, and Office of Information Technology has occurred.

**Office Director Approval:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**REVIEW TO BE COMPLETED BY STATE BOARD ADMINISTRATION**

Comments:

Estimated      1st Board    12/7/2018      2nd Board    01/04/19                                      Effective Date  
 Dates:                                      \_\_\_\_\_                                      \_\_\_\_\_                                      \_\_\_\_\_

**DOCUMENT 2**

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**STATEMENT OF BASIS AND PURPOSE**

**Summary of the basis and purpose for new rule or rule change.**

*Explain why the rule or rule change is necessary and what the program hopes to accomplish through this rule. **Firm 1500 character maximum, please count before submitting.***

These changes are being proposed to simplify the Food Assistance rules by removing duplicative sections, redundancies and to meet one of the Governor’s Wildly Important Goals.

An emergency rule-making (which waives the initial Administrative Procedure Act noticing requirements) is necessary:

- to comply with state/federal law and/or
- to preserve public health, safety and welfare

Justification for emergency:

**State Board Authority for Rule:**

Code	Description
26-1-107, C.R.S. (2016)	State Board to promulgate rules
26-1-109, C.R.S. (2016)	State department rules to coordinate with federal programs
26-1-111, C.R.S. (2016)	State department to promulgate rules for public assistance and welfare activities.

**Program Authority for Rule:** *Give federal and/or state citations and a summary of the language authorizing the rule-making function AND authority. **This is mandatory, do not leave blank.***

Code	Description
26-2-301 (2017), C.R.S.	Designates the Colorado Department of Human Services as the responsible agency to administer the Food Assistance Program in the State of Colorado.
26-2-302 (2017), C.R.S.	Prohibits any interference that would prevent the Colorado Department of Human Services from complying with federal mandates prescribed under the federal “Food Stamp Act” as amended.
Agricultural Act of 2014 (Public Law 113-79)	Federal program authority

Does the rule incorporate material by reference?  Yes  No  
 Does this rule repeat language found in statute?  Yes  No

If yes, please explain.

**Type of Rule:** *(complete a and b, below)*

- a.  Board or  Executive Director
- b.  Regular or  Emergency

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## REGULATORY ANALYSIS

### 1. List of groups impacted by this rule.

*Which groups of persons will benefit, bear the burdens or be adversely impacted by this rule?*

These updates will simplify language and remove redundant references which will assist SNAP applicants, recipients, and administrators of the program better understand the regulatory requirements of the program. There are no anticipated adverse impacts for these changes.

### 2. Describe the qualitative and quantitative impact.

*How will this rule-making impact those groups listed above? How many people will be impacted? What are the short-term and long-term consequences of this rule?*

Short term and long term impacts of this rule change are anticipated to improve quality assurance by better clarifying existing policies and to improve the program experience for SNAP applicants and recipients.

### 3. Fiscal Impact

*For each of the categories listed below explain the distribution of dollars; please identify the costs, revenues, matches or any changes in the distribution of funds even if such change has a total zero effect for any entity that falls within the category. If this rule-making requires one of the categories listed below to devote resources without receiving additional funding, please explain why the rule-making is required and what consultation has occurred with those who will need to devote resources. **Answer should NEVER be just "no impact" answer should include "no impact because..."***

State Fiscal Impact *(Identify all state agencies with a fiscal impact, including any Colorado Benefits Management System (CBMS) change request costs required to implement this rule change)*

There is no anticipated state fiscal impact as these regulations currently exist and are merely being clarified.

County Fiscal Impact

There is no anticipated county fiscal impact as these regulations currently exist and are merely being clarified.

Federal Fiscal Impact

There is no anticipated federal fiscal impact as these regulations currently exist and are merely being clarified.

Other Fiscal Impact *(such as providers, local governments, etc.)*

### 4. Data Description

*List and explain any data, such as studies, federal announcements, or questionnaires, which were relied upon when developing this rule?*

Data was not a factor in the revisions to these regulations.

### 5. Alternatives to this Rule-making

*Describe any alternatives that were seriously considered. Are there any less costly or less intrusive ways to accomplish the purpose(s) of this rule? Explain why the program chose this rule-making rather than taking no action or using another alternative. **Answer should NEVER be just "no alternative" answer should include "no alternative because..."***

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As these changes are codified into federal regulations and Colorado is responsible for administering the federal Supplemental Nutrition Assistance Program, State rules must be updated to align with federal expectations.

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**OVERVIEW OF PROPOSED RULE**

Compare and/or contrast the content of the current regulation and the proposed change.

Rule section Number	Issue	Old Language	New Language or Response	Reason / Example / Best Practice	Public Comment No / Detail
4.070	Removed unnecessary regulation cross-reference.	<p><b>Compliant Requirements</b>  The local office shall, as part of its overall outreach responsibility, publicize the state's complaint system.</p> <p>In addition, the local office shall advise any household wishing to file a complaint of the complaint procedure and offer assistance in filing a complaint, if appropriate.</p> <p>The State Department shall ensure that information is made available to potential participants, applicants, participants, or other interested persons concerning the complaint system, and the procedure for filing a complaint at the state or county level. Such information shall be made available to potential participants, applicants, and other interested parties through written materials and posters which shall be prominently displayed in all certification and issuance offices.</p> <p>For complaints of discrimination, refer to 4.070.2 through 4.070.22.</p> <p>The local office shall make every effort to resolve all complaints, excluding complaints of discrimination, brought to their attention at the local level. However, all complainants shall be informed they have the right to contact the State Department if they are not satisfied with the action taken at the local level.</p>	<p><b>COMPLIANT REQUIREMENTS</b>  The local office shall publicize the state's complaint system. In addition, the local office shall advise any household wishing to file a complaint of the complaint procedure and offer assistance in filing a complaint, if appropriate.</p> <p>The State Department shall ensure that information is made available to potential participants, applicants, participants, or other interested persons concerning the complaint system, and the procedure for filing a complaint at the state or county level. Such information shall be made available to potential participants, applicants, and other interested parties through written materials and posters which shall be prominently displayed in all certification and issuance offices.</p> <p>The local office shall make every effort to resolve all complaints, excluding complaints of discrimination, brought to their attention at the local level. However, all complainants shall be informed they have the right to contact the State Department if they are not satisfied with the action taken at the local level.</p>	<p>Section updated to reflect Heading status through use of capitalization.</p> <p>Clarified opening sentence by removing redundant language.</p> <p>The citation to another section of the Food Assistance regulation is not necessary to understand the context of this citation.</p>	
4.070.2	Updated language.	<p>Food Assistance benefits shall be extended to all eligible households without regard to age, race, color, sex, disability, religious creed, national origin or political beliefs. Local offices shall ensure that the nondiscrimination poster provided by FNS is prominently displayed. Posters may be obtained through the State Department.</p>	<p>State and local agencies shall not discriminate against any applicant or participant in any aspect of program administration, including, but not limited to, the certification of households, the issuance of coupons, the conduct of fair hearings, or the conduct of any other program service for reasons of age, race, color, sex, disability, religious creed, national origin, political beliefs,</p>	<p>Updated the required USDA Non-Discrimination Language.</p>	

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		<p>The local office shall explain the complaint procedures, as outlined in 4.070.21 "Discrimination Complaint Procedure," to each person expressing an interest in filing a discrimination complaint and shall advise the individual of the right to file a complaint under this procedure. Such information shall be made available within ten (10) calendar days from the date of request.</p>	<p>or reprisal or retaliation for prior civil rights activity in any program or activity funded by the USDA. Discrimination in any aspect of program administration is prohibited. Local offices shall ensure that the nondiscrimination poster provided by FNS is prominently displayed. Posters may be obtained through the State Department.</p> <p>The local office shall explain the complaint procedures, as outlined in 4.070.21 "Discrimination Complaint Procedure," to each person expressing an interest in filing a discrimination complaint and shall advise the individual of the right to file a complaint under this procedure. Such information shall be made available within ten (10) calendar days from the date of request.</p>		
4.070.21	Corrected reference and updated language.	<p><b>Discrimination Complaint Procedure</b></p> <p>A. Individuals who believe they have been subject to discrimination may file a written complaint with the USDA, FNS national office, the local office, and/or the State Department. All complaints of alleged discrimination shall be made in writing and shall be submitted to the FNS national office.</p> <p>If allegations of discrimination are made verbally, and if the complainant is unable or unwilling to put the allegations in writing, the State or county employee to whom the allegation is made shall document the complaint in writing. The person accepting the complaint shall make every effort to secure the information specified in Subsection C, below.</p> <p>B. The complainant shall be advised that a complaint may be submitted to the State Department, FNS or both, and that a complaint shall not be investigated unless information specified in items C, 1, through C, 6, below, is provided. In addition, the complainant shall be advised that a complaint must be filed no later than one hundred eighty (180) calendar days from the date of the alleged discrimination. The local office shall date</p>	<p><b>Discrimination Complaint Procedure</b></p> <p>A. Individuals who believe they have been subject to discrimination may file a written complaint with the USDA, FNS national office, the local office, and/or the State Department. All complaints of alleged discrimination shall be made in writing and shall be submitted to the FNS national office.</p> <p>If allegations of discrimination are made verbally, and if the complainant is unable or unwilling to put the allegations in writing, the State or county employee to whom the allegation is made shall document the complaint in writing. The person accepting the complaint shall make every effort to secure the information specified in Subsection C, below.</p> <p>B. The complainant shall be advised that a complaint may be submitted to the State Department, FNS or both, and that a complaint shall not be investigated unless information specified in items C,2 through C,4, below, is provided. In addition, the complainant shall be advised that a complaint must be filed no later than one hundred eighty (180) calendar days from the date of the alleged discrimination. The local office shall date stamp or</p>	Corrected section 'B' compliant items required to be completed on form and updated the address for discrimination complaints.	

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		<p>stamp or otherwise note the date the complaint is received by the office.</p> <ol style="list-style-type: none"> <li>1. Complaints directed to the FNS national office shall be addressed to: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410.</li> <li>2. Complaints directed to the State Department shall be addressed to: Colorado Department of Human Services, Food Assistance Program, 1575 Sherman St., Denver, CO 80203.</li> </ol> <p>B. The complaint shall include the following information to facilitate investigations:</p> <ol style="list-style-type: none"> <li>1. The name, address and telephone number or other means of contacting the person alleging discrimination;</li> <li>2. The location and name of the office which is accused of discriminatory practices;</li> <li>3. The nature of the incident or action, or the aspect of Program administration that led the person to allege discrimination;</li> <li>4. The reason for the alleged discrimination (age, race, color, sex, handicap, religious creed, national origin, or political beliefs);</li> <li>5. The name(s) and title(s), if appropriate, of person(s) who may have knowledge of the alleged discriminatory act; and</li> <li>6. The date(s) on which the alleged discriminatory action(s) occurred.</li> </ol>	<p>otherwise note the date the complaint is received by the office.</p> <ol style="list-style-type: none"> <li>1. U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; Fax: (202) 690-7442; Email: program.intake@usda.gov.</li> <li>2. Complaints directed to the State Department shall be addressed to: Colorado Department of Human Services, Food Assistance Program, 1575 Sherman St., Denver, CO 80203.</li> </ol> <p>B. The complaint shall include the following information to facilitate investigations:</p> <ol style="list-style-type: none"> <li>1. The name, address and telephone number or other means of contacting the person alleging discrimination;</li> <li>2. The location and name of the office which is accused of discriminatory practices;</li> <li>3. The nature of the incident or action, or the aspect of Program administration that led the person to allege discrimination;</li> <li>4. The reason for the alleged discrimination</li> <li>5. The name(s) and title(s), if appropriate, of person(s) who may have knowledge of the alleged discriminatory act; and</li> <li>6. The date(s) on which the alleged discriminatory action(s) occurred.</li> </ol>		

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4.100	Corrected and updated language.	<p>FOOD ASSISTANCE PROGRAM DEFINITIONS</p> <p>“ABAWD”, see “Able-bodied adult without dependent.”</p> <p>“ABAWD County” means a county with an Employment First Program that requires ABAWDs to meet a mandatory monthly ABAWD work requirement of working or participating in an acceptable work activity eighty (80) hours per month or completing all assigned workfare hours monthly.</p> <p>“Able-bodied adult without dependent” means an individual between the ages of eighteen (18) and fifty (50) without a physical or mental disability, who is not pregnant, and who lives in a food assistance household with no one under the age of eighteen (18).</p> <p>“ACSES”, see “Automated Child Support Enforcement System.”</p> <p>“Administrative disqualification hearing (ADH)” means a disqualification hearing against an individual accused of wrongfully obtaining or attempting to obtain assistance.</p> <p>“Administrative law judge” means the person that presides over fair hearings and administrative disqualification hearings at the state level.</p> <p>“Adverse action” means any action taken by a local office that causes a household’s benefits to be reduced or terminated.</p> <p>“Adverse action period” means the period of time that elapses prior to the adverse action becoming effective during the certification period.</p> <p>“Agency error claim” means that a debt has been</p>	<p>FOOD ASSISTANCE PROGRAM DEFINITIONS</p> <p>“ABAWD County” means a county with an Employment First Program that requires ABAWDs to meet a mandatory monthly ABAWD work requirement of working or participating in an acceptable work activity eighty (80) hours per month or completing all assigned workfare hours monthly.</p> <p>“Able-bodied adult without dependent (ABAWD)” means an individual between the ages of eighteen (18) and fifty (50) without a physical or mental disability, who is not pregnant, and who lives in a food assistance household with no one under the age of eighteen (18).</p> <p>“Administrative disqualification hearing (ADH)” means a disqualification hearing against an individual accused of wrongfully obtaining or attempting to obtain assistance.</p> <p>“Administrative law judge (ALJ)” means the person that presides over fair hearings and administrative disqualification hearings at the state level.</p> <p>“Adverse action” means any action taken by a local office that causes a household’s benefits to be reduced or terminated.</p> <p>“Adverse action period” means the period of time that elapses prior to the adverse action becoming effective during the certification period.</p> <p>“Agency error claim” means that a debt has been established for the household to repay due to an overpayment of benefits that was issued to the household resulting from an error made by the local office.</p> <p>“Allotment” means the total amount of Food Assistance</p>	<p>Definitions and acronyms were listed separately, a number of definitions were updated</p>	



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		<p>established for the household to repay due to an overpayment of benefits that was issued to the household resulting from an error made by the local office.</p> <p>“Allotment” means the total amount of Food Assistance benefits a household is authorized to receive in a particular month.</p> <p>“ALJ”, see “Administrative Law Judge.”</p> <p>“Appeal” means a request made by a household to have a decision about its case reviewed by an impartial third party to determine whether the decision was correct.</p> <p>“Application filing date” means the date an application for assistance is received by the county office.</p> <p>“Application” means a request on a state-approved form for benefits, which can include the electronic state-prescribed form.”</p> <p>“Application for redetermination” means an application submitted prior to the last month of the certification period to determine a household’s continued eligibility for the next certification period.</p> <p>“Application process” means the required process a household must complete for purposes of determining eligibility for benefits.</p> <p>“Authorized representative” means an individual who has been designated in writing by a responsible member of the household to act on behalf of or assist the household with the application process, obtaining benefits, and/or in using benefits at authorized retailers.</p>	<p>benefits a household is authorized to receive in a particular month.</p> <p>“Appeal” means a request made by a household to have a decision about its case reviewed by an impartial third party to determine whether the decision was correct.</p> <p>“Application filing date” means the date an application for assistance is received by the county office.</p> <p>“Application” means a request on a state-approved form for benefits, which can include the electronic state-prescribed form.”</p> <p>“Application for redetermination/recertification (RRR)” means an application submitted prior to the last month of the certification period to determine a household’s continued eligibility for the next certification period.</p> <p>“Application process” means the required process a household must complete for purposes of determining eligibility for benefits.</p> <p>“Authorized representative” means an individual who has been designated in writing by a responsible member of the household to act on behalf of or assist the household with the application process, obtaining benefits, and/or in using benefits at authorized retailers.</p> <p>“Automated Child Support Enforcement System (ACSES)” means the automated computer system used by Child Support Services to record child support payments.</p> <p>“Basic Categorical Eligibility (BCE)” means the status granted to any household that is not eligible for Expanded Categorical Eligibility and contains only members who receive, or are eligible to receive, benefits</p>		

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		<p>“Automated Child Support Enforcement System” means the automated computer system used by Child Support Services to record child support payments.</p> <p>“Basic Categorical Eligibility” means the status granted to any household that is not eligible for Expanded Categorical Eligibility and contains only members who receive, or are eligible to receive, benefits from Colorado Works, Supplemental Security Income, Old Age Pension, Aid to the Needy and Disabled, Aid to the Blind, or a combination of these benefits (see Section 4.4011.1,1).</p> <p>“Basic Utility Allowance” means a fixed deduction applied to a household that does not pay for heating or cooling and incurs at least two (2) non-heating or non-cooling utility costs, such as electricity, water, sewer, trash, cooking fuel, or telephone.</p> <p>“BCE”, see “Basic Categorical Eligibility.”</p> <p>“Boarder” means an individual residing with others and paying reasonable compensation to others for lodging and meals.</p> <p>“Boarding house” means an establishment that is licensed as a commercial enterprise and which offers meals and lodging for compensation.</p> <p>“BUA”, see “Basic Utility Allowance.”</p> <p>“Case payee” means the person appointed to receive the household’s benefits.</p> <p>“Case record” means a combination of the physical case file that contains documents pertinent to a household’s case; similar documents maintained in an electronic database; and information about the</p>	<p>from Colorado Works, Supplemental Security Income, Old Age Pension, Aid to the Needy and Disabled, Aid to the Blind, or a combination of these benefits.</p> <p>“Basic Utility Allowance (BUA)” means a fixed deduction applied to a household that does not pay for heating or cooling and incurs at least two (2) non-heating or non-cooling utility costs, such as electricity, water, sewer, trash, cooking fuel, or telephone.</p> <p>“Boarder” means an individual residing with others and paying reasonable compensation to others for lodging and meals.</p> <p>“Boarding house” means an establishment that is licensed as a commercial enterprise and which offers meals and lodging for compensation.</p> <p>“Case payee” means the person appointed to receive the household’s benefits.</p> <p>“Case record” means a combination of the physical case file that contains documents pertinent to a household’s case; similar documents maintained in an electronic database; and information about the household that is contained within the statewide automated system.</p> <p>“Certification period” means the period of time for which a household has been certified to receive benefits.</p> <p>“Civil union” means a legally binding partnership between two individuals without the legal recognition of these individuals as spouses.</p> <p>“Claim” means a debt resulting from an overpayment of benefits that a household is obligated to repay.</p> <p>“Clear and convincing evidence” means evidence which is stronger than a preponderance of evidence and which</p>		

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		<p>household that is contained within the statewide automated system.</p> <p>“CBMS”, see “Colorado Benefits Management System.”</p> <p>“Certification period” means the period of time for which a household has been certified to receive benefits.</p> <p>“Civil union” means a legally binding partnership between two individuals without the legal recognition of these individuals as spouses.</p> <p>“Claim” means a debt resulting from an overpayment of benefits that a household is obligated to repay.</p> <p>“Clear and convincing evidence” means evidence which is stronger than a preponderance of evidence and which is unmistakable and free from serious or substantial doubt.</p> <p>“Client error claim” means a debt that has been established for the household to repay due to an overpayment of benefits that was issued to a household due to a misunderstanding or unintentional error on the part of the household.</p> <p>“Collateral contact” means a verbal or written confirmation of a household's circumstances by a person outside the household who has first-hand knowledge of the information, made either in person, electronically submitted or by telephone.</p> <p>“Colorado Electronic Benefit Transfer System (CO/EBTS)” means the electronic system that enables Food Assistance participants or their authorized representatives to redeem their Food Assistance</p>	<p>is unmistakable and free from serious or substantial doubt.</p> <p>“Collateral contact” means a verbal or written confirmation of a household's circumstances by a person outside the household who has first-hand knowledge of the information, made either in person, electronically submitted or by telephone.</p> <p>“Colorado Benefits Management System (CBMS).” means the computer system used to determine Food Assistance eligibility.</p> <p>“Colorado Electronic Benefit Transfer System (CO/EBTS)” means the electronic system that enables Food Assistance participants or their authorized representatives to redeem their Food Assistance benefits at point-of-sale terminals.</p> <p>“Colorado Unemployment Benefits System (CUBS)” means the electronic system by which Unemployment Insurance Benefits (UIB) are determined by Colorado Department of Labor and Employment.</p> <p>“Communal dining facility” means an establishment approved by FNS that prepares and serves meals for elderly persons, or for Supplemental Security Income (SSI) recipients, and their spouses. This also includes federally subsidized housing for elderly persons at which meals are prepared for and served to the residents. It also includes private establishments that contract with an appropriate State or local agency to offer meals at concessional prices to elderly persons or SSI recipients, and their spouses.</p> <p>“Compromise” means the decision to reduce the amount of a claim that is owed by a household.</p> <p>“County Assistance Office” means the county social or</p>		

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		<p>benefits at point-of-sale terminals.</p> <p>“Communal dining facility” means an establishment approved by FNS that prepares and serves meals for elderly persons, or for Supplemental Security Income (SSI) recipients, and their spouses. This also includes federally subsidized housing for elderly persons at which meals are prepared for and served to the residents. It also includes private establishments that contract with an appropriate State or local agency to offer meals at concessional prices to elderly persons or SSI recipients, and their spouses.</p> <p>“Compromise” means the decision to reduce the amount of a claim that is owed by a household.</p> <p>“County Assistance Office” means the county social or human services office that is responsible for administering the Food Assistance Program.</p> <p>“CUBS” means the Colorado Unemployment Benefits System.</p> <p>“D-SNAP” means the Disaster Supplemental Nutrition Assistance Program. This Program shall be implemented as a result of a “major disaster” or “temporary emergency” to provide temporary assistance to households affected by these misfortunes. A Presidential disaster declaration for individual assistance must be declared for the affected areas to be eligible for DSNAP, and the decision to implement this Program after a Presidential declaration shall be at the affected county’s discretion in coordination with the State Food Assistance Office and FNS.</p> <p>“DCA”, see “Disqualification Consent Agreement.”</p> <p>“Demand letter”, see “Notice of Overpayment” and “Repayment Agreement.”</p>	<p>human services office that is responsible for administering the Food Assistance Program.</p> <p>“Disaster Supplemental Nutrition Assistance Program. (D-SNAP)” means the Food Assistance provided to the affected areas when a Presidential disaster declaration for individual assistance is declared and the decision to implement this Program after a Presidential declaration shall be at the affected county’s discretion in coordination with the State Food Assistance Office and FNS.</p> <p>“Demand letter”, see “Notice of Overpayment”</p> <p>“Disabled” means a person who:</p> <ol style="list-style-type: none"> <li>1. Receives Supplemental Security Income benefits under Title XVI of the Social Security Act, or the Colorado Supplement, or Aid to the Needy and Disabled- Supplemental Security Income- Colorado Supplement (AND-SSI-CS), or Aid to the Blind-Supplemental Security Income-Colorado Supplement (AB-SSI-CS); or disability or blindness payments under Title I, II, X, or IXV of the Social Security Act;</li> <li>2. Is a veteran with a service-connected disability rated or paid as a total disability under Title 38 of the United States Code or is a veteran receiving a pension for a non-service connected disability;</li> <li>3. Is a veteran considered by the VA to be in need of regular aid and attendance or permanently housebound under Title 38 of the Code;</li> <li>4. Is a surviving spouse of a veteran and considered in need of aid and attendance or</li> </ol>		

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		<p>“Dispute resolution conference” means an informal meeting between a household and the local office to review an action taken on a case and the relevant facts pertaining to such action.</p> <p>“Disqualification Consent Agreement” means the form that allows the individual(s) suspected of intentional Program violation/fraud to consent to his/her disqualification in cases of deferred adjudication.</p> <p>“Disqualified individuals” means any individual who is ineligible to receive Food Assistance due to having been disqualified for an intentional Program violation/fraud, failure to provide or obtain a SSN, ineligible non-citizens, individuals disqualified for failure to cooperate with work requirements, individuals disqualified for failure to cooperate with the State quality assurance division, and able-bodied adults without dependents who have been disqualified after receiving three months of benefits within thirty-six (36) months without meeting the monthly ABAWD work requirement.</p> <p>“Documentary evidence” means written information used to verify the income, expenses, and other circumstances of a household.</p> <p>“Documentation” means the collection of documentary evidence, verification, case notes, and other information related to a household’s case upon which eligibility determinations and other decisions are based.</p> <p>“DRC”, see “Dispute resolution conference.”</p> <p>“Drug and Alcohol Treatment Center” means any residential facility run by a private, nonprofit organization or institution, or a publicly operated</p>	<p>permanently housebound or a surviving child of a veteran and considered by the VA to be permanently incapable of self-support under Title 38 of the United States Code;</p> <p>5. Is a surviving spouse or child of a veteran and considered by the VA to be entitled to compensation for a service-connected death or pension benefits for a non-service-connected death under Title 38 of the United States Code and has a disability considered permanent under Section 221(i) of the Social Security Act. “Entitled”, as used in this definition, refers to those veterans’ surviving spouses and children who are receiving the compensation or benefits or have been approved for such benefits but are not yet receiving them;</p> <p>6. Is a person who has a disability considered permanent under Section 221(i) of the Social Security Act (SSA) and receives a federal, state, or local public disability retirement pension;</p> <p>7. Is a person who receives an annuity for disability from the Railroad Retirement Board who is considered disabled by the SSA or who qualifies for Medicare as determined by the Railroad Retirement Board; or</p> <p>8. Is a recipient of interim assistance benefits pending the receipt of the Supplemental Security Income (SSI), disability-related medical assistance under Title XIX of the Social Security Act, or disability-based state assistance benefits provided that the eligibility to receive these benefits is based on disability or blindness criteria which are at least as stringent as those used under Title XVI of the</p>		

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		<p>community mental health center, under Part B of Title XIX of the Public Health Service Act (42 U.S.C. 300x et seq.) that provides rehabilitative treatment to persons participating in a drug or alcohol treatment program.</p> <p>“Dual participation” means the receipt of benefits in more than one Food Assistance household or state in the same calendar month.</p> <p>“Duplicate benefits”, see “Dual Participation.” “EF”, see “Employment First.”</p> <p>“Elderly” means an individual that is sixty (60) years of age or older.</p> <p>“EBT (CO/EBTS)”, see “Colorado Electronic Benefit Transfer System.”</p> <p>“EBT card” means the card issued to persons authorized to receive Food Assistance to which the household’s allotment is credited. Used for Food Assistance purposes to purchase eligible foods at approved retailers.</p> <p>“Employment and Training Program” means a program operated by the Department of Human Services consisting of work, training, education, work experience, and/or job search activities designed to help recipients obtain gainful employment.</p> <p>“Employment First (EF)” means Colorado’s Employment and Training program.</p> <p>“Excess medical deduction” means a deduction from a household’s total gross income applied when a person with a disability or person who is elderly has medical expenses over a specified monthly amount.</p>	<p>Social Security Act.</p> <p>“Dispute resolution conference (DRC)” means an informal meeting between a household and the local office to review an action taken on a case and the relevant facts pertaining to such action.</p> <p>“Disqualification Consent Agreement (DCA)” means the form that allows the individual(s) suspected of intentional Program violation/fraud to consent to his/her disqualification in cases of deferred adjudication.</p> <p>“Disqualified individuals” means any individual who is ineligible to receive Food Assistance due to having been disqualified for an intentional Program violation/fraud, failure to provide or obtain a SSN, ineligible non-citizens, individuals disqualified for failure to cooperate with work requirements, individuals disqualified for failure to cooperate with the State quality assurance division, and able-bodied adults without dependents who have been disqualified after receiving three months of benefits within thirty-six(36) months without meeting the monthly ABAWD work requirement.</p> <p>“Documentary evidence” means written information used to verify the income, expenses, and other circumstances of a household.</p> <p>“Documentation” means the collection of documentary evidence, verification, case notes, and other information related to a household’s case upon which eligibility determinations and other decisions are based.</p> <p>“Drug and Alcohol Treatment Center (DAA)” means any residential facility run 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 U.S.C. 300x et seq.) that</p>		

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		<p>“Exempt income” means income that is exempt from consideration when determining eligibility for Food Assistance.</p> <p>“Expanded Categorical Eligibility (ECE)” means households that are exempt from having resources considered when determining eligibility for Food Assistance.</p> <p>“Expedited service” means the method by which an application for Food Assistance is processed to ensure that the neediest households have access to Food Assistance benefits no later than the seventh (7th) calendar day following the date of application.</p> <p>“Fair Hearing” means a hearing conducted in person or on the telephone by the Office of Administrative Courts to provide an impartial decision on a household’s appeal of a local office’s decision or action.</p> <p>“Financial criteria” means the set of rules governing gross and net income and resource standards and the proper methods for computing a household’s income and resources.</p> <p>“Fleeing felon” means an individual who is fleeing to avoid prosecution or arrest for a felony under a state or federal law.</p> <p>“FNS” means the Food and Nutrition Service of the U.S. Department of Agriculture.</p> <p>“Fraud” means the act committed by a person when obtaining, attempting to obtain, or aiding and abetting another to obtain assistance benefits through intentionally false statements, representations, or the withholding of material information.</p>	<p>provides rehabilitative treatment to persons participating in a drug or alcohol treatment program.</p> <p>“Dual participation” means the receipt of benefits in more than one Food Assistance household or state in the same calendar month.</p> <p>“Elderly” means an individual that is sixty (60) years of age or older.</p> <p>“EBT” means Electronic Benefit Transfer.</p> <p>“EBT card” means the card issued to persons authorized to receive Food Assistance to which the household’s allotment is credited. Used for Food Assistance purposes to purchase eligible foods at approved retailers.</p> <p>“Employment and Training Program” means a program operated by the Department of Human Services consisting of work, training, education, work experience, and/or job search activities designed to help recipients obtain gainful employment.</p> <p>“Employment First (EF)” means Colorado’s Employment and Training program.</p> <p>“Excess medical deduction” means a deduction from a household’s total gross income applied when a person with a disability or a person who is elderly has medical expenses over a specified monthly amount.</p> <p>“Exempt income” means income that is exempt from consideration when determining eligibility for Food Assistance.</p> <p>“Expanded Categorical Eligibility (ECE)” means households that are exempt from having resources</p>		

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		<p>“Full-time student” means a person who has a school schedule equivalent to a full-time curriculum as defined by the institute of higher education the person is attending.</p> <p>“Good cause” means a waiver granted to a person or household a) excusing them from complying with a specific eligibility requirement because compliance could cause adverse consequences to the person or household, or b) providing the household with more time to comply with a specific eligibility requirement.</p> <p>“G-845” means the form submitted to the U.S. Citizenship and Immigration Services to request immigration status verification for a Food Assistance applicant or participant.</p> <p>“Gross Income” means the total of all non-exempt earned and unearned income added together before any deduction or disregard is considered.</p> <p>“Group living arrangement” means a public or private non-profit facility certified under Section 1616(e) of the Social Security Act which serves no more than sixteen (16) people.</p> <p>“HCUA”, see “Heating/Cooling Utility Allowance.”</p> <p>“Head of household” means the person who is generally regarded as the person with the most knowledge of the household’s circumstances. The head of household is the person to whom the local office addresses correspondence and notices about the household’s case. This person is generally the individual who completes the application process and is responsible for obtaining and using the household’s EBT card.</p>	<p>considered when determining eligibility for Food Assistance.</p> <p>“Expedited service” means the method by which an application for Food Assistance is processed to ensure that the neediest households have access to Food Assistance benefits no later than the seventh (7th) calendar day following the date of application.</p> <p>“Fair Hearing” means a hearing conducted in person or on the telephone by the Office of Administrative Courts to provide an impartial decision on a household’s appeal of a local office’s decision or action.</p> <p>“Financial criteria” means the set of rules governing gross and net income and resource standards and the proper methods for computing a household’s income and resources.</p> <p>“Fleeing felon” means an individual who is fleeing to avoid prosecution or arrest for a felony under a state or federal law.</p> <p>“FNS” means the Food and Nutrition Service of the U.S. Department of Agriculture.</p> <p>“Fraud” means the act committed by a person when obtaining, attempting to obtain, or aiding and abetting another to obtain assistance benefits through intentionally false statements, representations, or the withholding of material information.</p> <p>“Full-time student” means a person who has a school schedule equivalent to a full-time curriculum as defined by the institute of higher education the person is attending.</p> <p>“Good cause” means a waiver granted to a person or</p>		



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		<p>“Heating/Cooling Utility Allowance” means a fixed deduction applied to any household that incurs a heating or cooling expense.</p> <p>“HOH”, see “Head of Household.”</p> <p>“Homeless” means an individual who lacks a fixed and regular nighttime residence or whose primary residence is: a supervised shelter designed for temporary accommodations, a halfway house or similar facility that provides temporary residence, a place not designed for or ordinarily used as regular sleeping accommodations for human beings, or a temporary accommodation in a residence of another individual for ninety (90) days or less.</p> <p>“Homeless meal provider” means:</p> <p style="padding-left: 40px;">A. A public or private nonprofit establishment that feeds homeless persons; or,</p> <p style="padding-left: 40px;">B. A restaurant which contracts with an appropriate State agency to offer meals at concessional (low or reduced) prices to homeless persons.</p> <p>“Household” means a group of individuals who live together and customarily purchase and prepare food together.</p> <p>“Household income” means all earned and unearned income received or anticipated to be received by household members from all sources, unless specifically exempted for Food Assistance eligibility purposes.</p> <p>“IEVS”, see “Income and Eligibility Verification System.”</p>	<p>household a) excusing them from complying with a specific eligibility requirement because compliance could cause adverse consequences to the person or household, or b) providing the household with more time to comply with a specific eligibility requirement.</p> <p>“G-845” means the form submitted to the U.S. Citizenship and Immigration Services to request immigration status verification for a Food Assistance applicant or participant.</p> <p>“Gross Income” means the total of all non-exempt earned and unearned income added together before any deduction or disregard is considered.</p> <p>“Group Living Arrangement (GLA)” means a public or private non-profit facility certified under Section 1616(e) of the Social Security Act which serves no more than sixteen (16) people.</p> <p>“Head of household (HOH)” means the person who is generally regarded as the person with the most knowledge of the household’s circumstances. The head of household is the person to whom the local office addresses correspondence and notices about the household’s case. This person is generally the individual who completes the application process and is responsible for obtaining and using the household’s EBT card.</p> <p>“Heating/Cooling Utility Allowance (HCUA)” means a fixed deduction applied to any household that incurs a heating or cooling expense.</p> <p>“Homeless” means an individual who lacks a fixed and regular nighttime residence or whose primary residence is: a supervised shelter designed for temporary accommodations, a halfway house or similar facility that</p>		

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		<p>“Inadvertent Household Error Claim”, see “Client Error Claim.”</p> <p>“Income and Eligibility Verification System” means a system used to match applicants’ and participants’ Social Security Numbers with the Social Security Administration, Internal Revenue Service, and the Department of Labor and Employment to obtain information about household income.</p> <p>“Initial application” means a household’s first application for assistance or an application for assistance that is received after the household has been off of the Program for any period following the end of a certification period.</p> <p>“Initial month of application” means the first month for which the household is certified for participation in the Program for those who have not received food benefits in the State previously or following any break after the end of the certification period where the household was not certified for participation. If the household submits an application for recertification prior to the expiration of its certification period and is found eligible for the first month following the end of the certification period, that month shall not be an initial month. Benefits for the initial month of application are prorated in accordance with Section 4.207.2.</p> <p>“Indigent non-citizen” means a sponsored non-citizen who, after considering all income and contributions provided by the sponsor and other sources in conjunction with the non-citizen’s own income, is unable to obtain food and shelter amounting to one hundred thirty percent (130%) of the federal poverty level for the non-citizen’s household size. When a non-citizen is declared indigent, only the amount</p>	<p>provides temporary residence, a place not designed for or ordinarily used as regular sleeping accommodations for human beings, or a temporary accommodation in the residence of another individual for ninety (90) days or less.</p> <p>“Homeless meal provider” means:</p> <p style="padding-left: 40px;">A. A public or private nonprofit establishment that feeds homeless persons; or,</p> <p style="padding-left: 40px;">B. A restaurant which contracts with an appropriate State agency to offer meals at concessional (low or reduced) prices to homeless persons.</p> <p>“Household” means a group of individuals who live together and customarily purchase and prepare food together.</p> <p>“Household income” means all earned and unearned income received or anticipated to be received by household members from all sources, unless specifically exempted for Food Assistance eligibility purposes.</p> <p>“Inadvertent Household Error Claim”, means a debt that has been established for the household to repay due to an overpayment of benefits that was issued to a household due to a misunderstanding or unintentional error on the part of the household.</p> <p>“Income and Eligibility Verification System (IEVS)” means a system used to match applicants’ and participants’ Social Security Numbers with the Social Security Administration, Internal Revenue Service, and the Department of Labor and Employment to obtain information about household income.</p> <p>“Initial application” means a household’s first application</p>		

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		<p>provided by the sponsor shall be deemed to the non-citizen. A declaration of indigence may last up to twelve (12) months, but may be renewed at the end of such a period, if necessary. The local office must notify the U.S Attorney General of each indigence determination, including the name of the sponsor and the sponsored non-citizen.</p> <p>“Institution of higher education” means institutions that normally require a high school diploma or equivalency certificate for a student to enroll, such as colleges, universities, and vocational or technical schools.</p> <p>“Intentional Program Violation” means when an individual has intentionally made a false or misleading statement or misrepresented, concealed or withheld facts, or committed or intended to commit any act that constitutes a violation of the Food and Nutrition Act of 2008, the Food Assistance Program regulations, or any state statute relating to the use, presentation, transfer, acquisition, receipt or possession of Food Assistance benefits.</p> <p>“Intentional” means a false representation of a material fact with knowledge of that falsity or omission of a material fact with knowledge of that omission.</p> <p>“IPV”, see “Intentional Program Violation.”</p> <p>“IPV hearing”, see “Administrative disqualification hearing.”</p> <p>“IPV hearing waiver”, see “Waiver of administrative disqualification hearing.” “Issuance month” means the calendar month for which a benefit allotment is issued.</p> <p>“Lawful Permanent Resident” means a non-citizen legally admitted into the United States to reside on a</p>	<p>for assistance or an application for assistance that is received after the household has been off of the Program for any period following the end of a certification period.</p> <p>“Initial month of application” means the first month for which the household is certified for participation in the Program for those who have not received food benefits in the State previously or following any break after the end of the certification period where the household was not certified for participation. If the household submits an application for recertification prior to the expiration of its certification period and is found eligible for the first month following the end of the certification period, that month shall not be an initial month.</p> <p>“Indigent non-citizen” means a sponsored non-citizen who, after considering all income and contributions provided by the sponsor and other sources in conjunction with the non-citizen’s own income, is unable to obtain food and shelter amounting to one hundred thirty percent (130%) of the federal poverty level for the non-citizen’s household size. When a non-citizen is declared indigent, only the amount provided by the sponsor shall be deemed to the non-citizen. A declaration of indigence may last up to twelve (12) months, but may be renewed at the end of such a period, if necessary. The local office must notify the U.S Attorney General of each indigence determination, including the name of the sponsor and the sponsored non-citizen.</p> <p>“Institution of higher education” means institutions that normally require a high school diploma or equivalency certificate for a student to enroll, such as colleges, universities, and vocational or technical schools.</p> <p>“Intentional Program Violation (IPV)” means when an individual has intentionally made a false or misleading</p>		

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		<p>permanent basis.</p> <p>“LEAP”, see “Low-income Energy Assistance Program.”</p> <p>“Liquid resources” means assets such as cash on hand or assets that can be easily converted to cash such as money in checking or savings accounts, saving certificates, or stocks and bonds.</p> <p>“Live-in attendants” means individuals who reside with a household to provide medical, housekeeping, child care, or other personal services.</p> <p>“Local-level Dispute Resolution Conference”, see “Dispute Resolution Conference.”</p> <p>“Local-level hearing”, see “Dispute Resolution Conference”</p> <p>“Local office” means the county department of social/human services that is responsible for administering the Food Assistance Program. In those counties that have more than one office that administers the Food Assistance Program, “local office” shall be inclusive of all local offices within the county that administer the Program.</p> <p>“Low-income Energy Assistance Program” means the Colorado program designed to help low-income applicants pay a portion of their winter heating costs.</p> <p>“Management Evaluation reviews” means state or federal reviews of each county’s administration of the Food Assistance Program to determine each county’s adherence to federal- and state-mandated requirements. Such reviews are mandated by the</p>	<p>statement or misrepresented, concealed or withheld facts, or committed or intended to commit any act that constitutes a violation of the Food and Nutrition Act of 2008, the Food Assistance Program regulations, or any state statute relating to the use, presentation, transfer, acquisition, receipt or possession of Food Assistance benefits.</p> <p>“Intentional” means a false representation of a material fact with knowledge of that falsity or omission of a material fact with knowledge of that omission.</p> <p>“IPV hearing”, see “Administrative disqualification hearing.”</p> <p>“IPV hearing waiver”, see “Waiver of administrative disqualification hearing.” “Issuance month” means the calendar month for which a benefit allotment is issued.</p> <p>“Lawful Permanent Resident” means a non-citizen legally admitted into the United States to reside on a permanent basis.</p> <p>“Liquid resources” means assets such as cash on hand or assets that can be easily converted to cash such as money in checking or savings accounts, saving certificates, or stocks and bonds.</p> <p>“Live-in attendants” means individuals who reside with a household to provide medical, housekeeping, child care, or other personal services.</p> <p>“Local-level Dispute Resolution Conference”, see “Dispute Resolution Conference.”</p> <p>“Local office” means the county department of social/human services that is responsible for administering the Food Assistance Program. In those counties that have more than one office that administers</p>		

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		<p>Food and Nutrition Service of the USDA.</p> <p>“Major disaster” means a disaster or catastrophe as determined by the President of the United States pursuant to the Disaster Relief Act of 1974.</p> <p>“Mandatory Work Registrant” means an individual age sixteen (16) to sixty (60) who has not met any Federal exemptions from SNAP work requirements and is therefore required to register for work or be registered by the State agency.</p> <p>“Mass update” means a change in data or policy that affects the entire state-wide caseload or a portion of the caseload.</p> <p>“Material information” means information to which a reasonable person would attach importance when determining a course of action.</p> <p>“ME reviews”, see “Management Evaluation reviews.”</p> <p>“Migrant farm worker” means a person who travels away from home on a regular basis to follow the flow of seasonal agricultural work.</p> <p>“Minimum benefit” means the minimum amount of benefits issued to one- and two-person households that are eligible for assistance, but whose issuance calculates to less than the federally prescribed minimum allotment.</p> <p>“Net income test” means the one hundred percent (100%) federal poverty level under which a household’s income must fall after all allowable deductions are considered in order to be considered eligible. This level is specific to the household size as defined by USDA, FNS.</p>	<p>the Food Assistance Program, “local office” shall be inclusive of all local offices within the county that administer the Program.</p> <p>“Low-Income Home Energy Assistance Program (LEAP)” means the Colorado program designed to help low-income applicants pay a portion of their winter heating costs.</p> <p>“Management Evaluation (ME) reviews” means state or federal reviews of each county’s administration of the Food Assistance Program to determine each county’s adherence to federal- and state-mandated requirements. Such reviews are mandated by the Food and Nutrition Service of the USDA.</p> <p>“Mandatory Work Registrant” means an individual age sixteen (16) to sixty (60) who has not met any Federal exemptions from SNAP work requirements and is therefore required to register for work or be registered by the State agency.</p> <p>“Mass update” means a change in data or policy that affects the entire state-wide caseload or a portion of the caseload.</p> <p>“Material information” means information to which a reasonable person would attach importance when determining a course of action.</p> <p>“Migrant farm worker” means a person who travels away from home on a regular basis to follow the flow of seasonal agricultural work.</p> <p>“Minimum benefit” means the minimum amount of benefits issued to one- and two-person households that are eligible for assistance, but whose issuance calculates to less than the federally prescribed minimum</p>		

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		<p>“NOA”, see “Notice of Action.”</p> <p>“Non-ABAWD County” means a county that is not requiring ABAWDs to meet the mandatory monthly ABAWD work requirement; although, the individual may be required to participate in non-ABAWD work program activities.</p> <p>“Non-Employment First County” means a county in which there is no Employment First Program; although, work registrants must still sign an affidavit attesting that he/she will seek work opportunities through available resources.</p> <p>“Non-liquid resources” means assets which cannot be easily converted into cash such as vehicles and real property.</p> <p>“Non-financial criteria” means the set of rules governing elements not related to the gross and net income and resource standards.</p> <p>“Notice of Action” means the state-prescribed form sent to a household every time an action is taken to increase, decrease, suspend, deny, terminate, or otherwise affect a household’s benefits. This form describes the action taken upon a household’s case and the resulting effect.</p> <p>“Notice of overpayment” means a notice sent to a household upon the establishment of a claim against the household for an overpayment of benefits.</p> <p>“On-the-job training” means training provided to an employee after he or she is hired. Such training is designed for individuals who do not have the necessary work experience required for the job.</p>	<p>allotment.</p> <p>“Net income test” means the one hundred percent (100%) federal poverty level under which a household’s income must fall after all allowable deductions are considered in order to be considered eligible. This level is specific to the household size as defined by USDA, FNS.</p> <p>“Non-ABAWD County” means a county that is not requiring ABAWDs to meet the mandatory monthly ABAWD work requirement; although, the individual may be required to participate in non-ABAWD work program activities.</p> <p>“Non-Employment First County” means a county in which there is no Employment First Program; although, work registrants must still sign an affidavit attesting that he/she will seek work opportunities through available resources.</p> <p>“Non-liquid resources” means assets which cannot be easily converted into cash such as vehicles and real property.</p> <p>“Non-financial criteria” means the set of rules governing elements not related to the gross and net income and resource standards.</p> <p>“Notice of Action (NOA)” means the state-prescribed form sent to a household every time an action is taken to increase, decrease, suspend, deny, terminate, or otherwise affect a household’s benefits. This form describes the action taken upon a household’s case and the resulting effect.</p> <p>“Notice of overpayment” means a notice sent to a household upon the establishment of a claim against the</p>		

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**CDHS Tracking #:** 18-09-28-02  
**CCR #:** 10 CCR 2506-1  
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		<p>“One Utility Allowance” means a fixed deduction given to any household that is not eligible to receive the HCUA or BUA and incurs only one (1) non-heating or non-cooling utility expense, such as electricity, water, sewer, trash, or cooking fuel. The OUA is not allowed if the household’s only utility expense is a telephone.</p> <p>“OUA”, see “One Utility Allowance.”</p> <p>Over-issuance” means the amount of Food Assistance benefits issued to a household that exceeds the amount it was eligible to receive.</p> <p>“Parolee” means a non-citizen allowed into the United States for urgent humanitarian reasons or when the non-citizen’s entry is determined to be for significant public benefit. Parole does not constitute a formal admission to the United States and confers temporary status only, requiring parolees to leave when the conditions supporting their parole cease to exist.</p> <p>“Payment Error Rate” means the sum of the overpayment error rate and the underpayment error rate, which is the value of all over and underpaid allotments expressed as a percentage of all allotments issued to the cases reviewed, excluding those cases processed by SSA personnel or participating in certain demonstration projects designated by FNS.</p> <p>“Period of ineligibility” means the period of time a person is ineligible to receive Food Assistance benefits as a result of a failure to cooperate with either a state or federal QA review.</p> <p>“Periodic Report Form” means the report that must be submitted by the household during the twelfth (12th) month of a twenty four (24) month certification period. The purpose of this form is to allow the household to report any changes that occurred during the first half</p>	<p>household for an overpayment of benefits.</p> <p>“On-the-job training (OJT)” means training provided to an employee after he or she is hired. Such training is designed for individuals who do not have the necessary work experience required for the job.</p> <p>“One Utility Allowance (OUA)” means a fixed deduction given to any household that is not eligible to receive the HCUA or BUA and incurs only one (1) non-heating or non-cooling utility expense, such as electricity, water, sewer, trash, or cooking fuel. The OUA is not allowed if the household’s only utility expense is a telephone.</p> <p>“Over-issuance” means the amount of Food Assistance benefits issued to a household that exceeds the amount it was eligible to receive.</p> <p>“Parolee” means a non-citizen allowed into the United States for urgent humanitarian reasons or when the non-citizen’s entry is determined to be for significant public benefit. Parole does not constitute a formal admission to the United States and confers temporary status only, requiring parolees to leave when the conditions supporting their parole cease to exist.</p> <p>“Payment Error Rate (PER)” means the sum of the overpayment error rate and the underpayment error rate, which is the value of all over and underpaid allotments expressed as a percentage of all allotments issued to the cases reviewed, excluding those cases processed by SSA personnel or participating in certain demonstration projects designated by FNS.</p> <p>“Period of ineligibility” means the period of time a person is ineligible to receive Food Assistance benefits as a result of a failure to cooperate with either a state or federal QA review.</p>		

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		<p>of the twenty four (24) month certification period and for the local office to determine the household's continued eligibility for the remaining twelve (12) months of the household's certification period.</p> <p>"Person with disabilities" means a person who meets any of the following criteria:</p> <p>A. Receives Supplemental Security Income benefits under Title XVI of the Social Security Act, or the Colorado Supplement, or Aid to the Needy Disabled-Supplemental Security Income-Colorado Supplement (AND-SSI-CS), or Aid to the Blind-Supplemental Security Income-Colorado Supplement (AB-SSI-CS); or disability or blindness payments under Title I, II, X, or IXV of the Social Security Act;</p> <p>B. Is a veteran with a service-connected disability rated or paid as a total disability under Title 38 of the United States Code or is a veteran receiving a pension for a non-service connected disability;</p> <p>C. Is a veteran considered by the VA to be in need of regular aid and attendance or permanently housebound under Title 38 of the United States Code;</p> <p>D. Is a surviving spouse of a veteran and considered in need of aid and attendance or permanently housebound or a surviving child of a veteran and considered by the VA to be permanently incapable of self-support under Title 38 of the United States Code;</p> <p>E. Is a surviving spouse or child of a veteran and considered by the VA to be entitled to compensation for a service-connected death or pension benefits for a non-service-connected death under Title 38 of the United States Code and has a</p>	<p>"Periodic Report Form (PRF)" means the report that must be submitted by the household during the twelfth (12th) month of a twenty four (24) month certification period. The purpose of this form is to allow the household to report any changes that occurred during the first half of the twenty four (24) month certification period and for the local office to determine the household's continued eligibility for the remaining twelve (12) months of the household's certification period.</p> <p>"Post high school education" means colleges, universities, and post-high school level technical and vocational schools.</p> <p>"Prospective budgeting" means the method of computing a household's monthly allotment by using current circumstances and reasonably anticipated income for the month in which the allotment will be issued.</p> <p>"Prudent Person Principle (PPP)" means a worker's reasonable judgment when determining the proper course of action in a given situation in order to make an eligibility determination.</p> <p>"Public Assistance (PA)" means any of the following programs authorized by the Social Security Act of 1935, as amended: Old Age Pension, TANF, including TANF for children of unemployed fathers, aid to the blind, aid to the permanently and totally disabled and aid to aged, blind or disabled.</p> <p>"PA households" means households that contain only persons who receive TANF or adult financial cash grants.</p> <p>"Quality Assurance (QA)" means the division responsible for reviewing Food Assistance cases to determine if the</p>		



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		<p>disability considered permanent under Section 221(i) of the Social Security Act. "Entitled" in this definition refers to those veterans' surviving spouses and children who are receiving the compensation or benefits or have been approved for such benefits but are not receiving them;</p> <p>F. Is a person who has a disability considered permanent under Section 221(i) of the Social Security Act (SSA) and receives a federal, state, or local public disability retirement pension;</p> <p>G. Is a person who receives an annuity for disability from the Railroad Retirement Board who is considered disabled by the SSA or who qualifies for Medicare as determined by the Railroad Retirement Board;</p> <p>H. Is a recipient of interim assistance benefits pending the receipt of Supplemental Security Income (SSI), disability-related medical assistance under Title XIX of the Social Security Act, or disability- based state assistance benefits provided that the eligibility to receive these benefits is based on disability or blindness criteria which are at least as stringent as those used under Title XVI of the Social Security Act.</p> <p>"Post high school education" means colleges, universities, and post-high school level technical and vocational schools.</p> <p>"Prospective budgeting" means the method of computing a household's monthly allotment by using current circumstances and reasonably anticipated income for the month in which the allotment will be issued.</p> <p>"Prudent Person Principle" means a worker's reasonable judgment when determining the proper</p>	<p>proper eligibility determination was made and if the correct amount of benefits were issued to a household in a given month.</p> <p>"QA active case" means cases where a household was certified prior to or during the sample month and issued Food Assistance benefits for the sample month.</p> <p>"QA negative case" means cases where a household was denied certification to receive Food Assistance benefits in the sample month or which had its participation in the Program terminated during a certification period effective for the sample month.</p> <p>"Qualified non-citizen" means an individual who meets the specific definition of "qualified alien" as defined by the Food and Nutrition Service, United States Department of Agriculture, which includes lawful permanent residents, asylees, refugees, parolees, individuals granted withholding of deportation or removal, conditional entrants, Cuban or Haitian entrants, battered aliens, and non-citizen victims of a severe form of trafficking. This term is not itself an immigration status, but rather includes a collection of immigration statuses. It is a term used solely for Federal public benefits purposes. Qualified non-citizens are not automatically eligible for assistance, but rather must meet all other eligibility requirements.</p> <p>"Quality Control review" means a review of a statistically valid sample of active and negative cases to determine the extent to which households are receiving the Food Assistance allotments to which they are entitled, and to determine the extent to which decisions to deny, suspend, or terminate cases are correct.</p> <p>"Quest card" means Colorado's specific version of the EBT card.</p>		

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		<p>course of action in a given situation in order to make an eligibility determination.</p> <p>“Public Assistance (PA)” means any of the following programs authorized by the Social Security Act of 1935, as amended: Old Age Pension, TANF, including TANF for children of unemployed fathers, aid to the blind, aid to the permanently and totally disabled and aid to aged, blind or disabled.</p> <p>“Public assistance households” means households that contain only persons who receive TANF or adult financial cash grants.</p> <p>“QA” means quality assurance and refers to the division responsible for reviewing Food Assistance cases to determine if the proper eligibility determination was made and if the correct amount of benefits were issued to a household in a given month.</p> <p>“QA active case” means cases where a household was certified prior to or during the sample month and issued Food Assistance benefits for the sample month.</p> <p>“QA negative case” means cases where a household was denied certification to receive Food Assistance benefits in the sample month or which had its participation in the Program terminated during a certification period effective for the sample month.</p> <p>“Qualified non-citizen” means an individual who meets the specific definition of “qualified alien” as defined by the Food and Nutrition Service, United States Department of Agriculture, which includes lawful permanent residents, asylees, refugees, parolees, individuals granted withholding of deportation or removal, conditional entrants, Cuban or Haitian entrants, battered aliens, and non-citizen victims of a</p>	<p>“Recoupment” means the withholding of a portion of a household’s monthly allotment to pay back an over-issuance.</p> <p>“Repayment agreement” means the form sent to a household upon the establishment of a claim that outlines the household’s responsibility and options for repayment.</p> <p>“Restoration” means a payment of benefits made to a household who was eligible to receive the amount in a past month but did not receive the payment.</p> <p>“Roomer” means an individual to whom a household furnishes lodging, but not meals, for compensation.</p> <p>“Sanction” means a specified period of ineligibility imposed against an individual who failed to take a required action as part of his or her eligibility for either Food Assistance or Colorado Works.</p> <p>“Self-employment” means a situation where some or all income is received from a self-operated business or enterprise in which the individual retains control over work or services offered and assumes the necessary business risks and expenses connected with the operation of the business.</p> <p>“Shelter for battered women and children” means a public or private nonprofit residential facility that serves battered women and their children. If such a facility serves other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered women and children.</p> <p>“Simplified Reporting” means the reporting status granted to households receiving either a six (6) or</p>		

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		<p>severe form of trafficking. This term is not itself an immigration status, but rather includes a collection of immigration statuses. It is a term used solely for Federal public benefits purposes. Qualified non-citizens are not automatically eligible for assistance, but rather must meet all other eligibility requirements.</p> <p>“Quality Control review” means a review of a statistically valid sample of active and negative cases to determine the extent to which households are receiving the Food Assistance allotments to which they are entitled, and to determine the extent to which decisions to deny, suspend, or terminate cases are correct.</p> <p>“Qwest card” means Colorado’s specific version of the EBT card. “Recertification/redetermination application”, see “Application for Redetermination.”</p> <p>“Recoupment” means the withholding of a portion of a household’s monthly allotment to pay back an over-issuance.</p> <p>“Repayment agreement” means the form sent to a household upon the establishment of a claim that outlines the household’s responsibility and options for repayment.</p> <p>“Restoration” means a payment of benefits made to a household who was eligible to receive the amount in a past month but did not receive the payment.</p> <p>“Roomer” means an individual to whom a household furnishes lodging, but not meals, for compensation. “RRR”, see “Application for Redetermination.”</p> <p>“Sanction” means a specified period of ineligibility imposed against an individual who failed to take a required action as part of his or her eligibility for either Food Assistance or Colorado Works.</p>	<p>twenty-four (24) month certification period. Households considered simplified reporting households are not required to report any changes to household circumstances throughout the course of the certification period unless the change that occurred causes the household’s combined gross income to rise above one hundred thirty percent (130%) of the federal poverty level for the applicable household size. Households receiving a twenty four (24) month certification period have the additional requirement of completing and submitting a periodic report form (PRF) at the twelve (12) month point of the certification period on which all changes that have occurred since initial application must be reported.</p> <p>“SNAP” means Supplemental Nutrition Assistance Program, which is referred to as the Food Assistance Program in Colorado.</p> <p>“Sponsor” means a person who has executed an affidavit(s) of support or similar agreement on behalf of a non-citizen as a condition of the non-citizen’s entry or admission to the US as a permanent resident.</p> <p>“Sponsored non-citizen” means those non-citizens lawfully admitted for permanent residence into the United States who have been sponsored by an individual for entry into the country.</p> <p>“Standard Eligibility” means the set of rules applicable to households that do not fall under “Expanded categorical eligibility” or “Basic categorical eligibility.” Households considered under standard eligibility rules are subject to resource limits as a condition of eligibility.</p> <p>“State Department” means the Colorado Department of Human Services.</p>		

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		<p>“SAVE”, see “Systematic Alien Verification for Entitlements.”</p> <p>“Self-employment” means a situation where some or all income is received from a self-operated business or enterprise in which the individual retains control over work or services offered and assumes the necessary business risks and expenses connected with the operation of the business.</p> <p>“Shelter for battered women and children” means a public or private nonprofit residential facility that serves battered women and their children. If such a facility serves other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered women and children.</p> <p>“Simplified Reporting” means the reporting status granted to households receiving either a six (6) or twenty-four (24) month certification period. Households considered simplified reporting households are not required to report any changes to household circumstances throughout the course of the certification period unless the change that occurred causes the household’s combined gross income to rise above one hundred thirty percent (130%) of the federal poverty level for the applicable household size. Households receiving a twenty four (24) month certification period have the additional requirement of completing and submitting a periodic report form (see “Periodic report form”) at the twelve (12) month point of the certification period on which all changes that have occurred since initial application must be reported.</p> <p>“SNAP” means Supplemental Nutrition Assistance Program, which is referred to as the Food Assistance Program in Colorado.</p>	<p>“State office or Division” means the agency of the state government that has the responsibility for the oversight and monitoring of each county department’s administration of the Food Assistance Program.</p> <p>“State-level fair hearing” means a review requested by an applicant or recipient which is held before an Administrative Law Judge (ALJ) to establish whether an action or eligibility determination taken was correct.</p> <p>“Striker” means an individual who is involved in a strike or other concerted stoppage of work by employees, including a stoppage by reason of the expiration of a collective bargaining agreement and any concerted slowdown or other concerted interruption of operations by employees.</p> <p>“Supplement” means a payment of additional allowable benefits made for the current issuance month.</p> <p>“Supplemental Security Income (SSI)” means monthly cash payments made under the authority of: (1) Title XVI of the Social Security Act, as amended, to the aged, blind and disabled; (2) section 1616(a) of the Social Security Act; or (3) section 212(a) of Pub. L. 93-66.</p> <p>“Systematic Alien Verification for Entitlements (SAVE)” means the system allowing for the validation of immigration statuses of non-citizen applicants and participants through access to centralized U.S. Citizenship and Immigration Service (USCIS) data.</p> <p>“Telephone allowance” means a fixed deduction given to any household not incurring utility expenses other than the expense for a telephone.</p> <p>“Temporary Assistance for Needy Families (TANF) or</p>		

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		<p>“Sponsor” means a person who has executed an affidavit(s) of support or similar agreement on behalf of a non-citizen as a condition of the non-citizen’s entry or admission to the US as a permanent resident.</p> <p>“Sponsored non-citizen” means those non-citizens lawfully admitted for permanent residence into the United States who have been sponsored by an individual for entry into the country.</p> <p>“Supplemental Security Income (SSI)” means monthly cash payments made under the authority of: (1) Title XVI of the Social Security Act, as amended, to the aged, blind and disabled; (2) section 1616(a) of the Social Security Act; or (3) section 212(a) of Pub. L. 93-66.</p> <p>“Standard Eligibility” means the set of rules applicable to households that do not fall under “Expanded categorical eligibility” or “Basic categorical eligibility.” Households considered under standard eligibility rules are subject to resource limits as a condition of eligibility.</p> <p>“State Department” means the Colorado Department of Human Services.</p> <p>“State office or Division” means the agency of the state government that has the responsibility for the oversight and monitoring of each county department’s administration of the Food Assistance Program.</p> <p>“State-level fair hearing” means a review requested by an applicant or recipient which is held before an Administrative Law Judge (ALJ) to establish whether an action or eligibility determination taken was correct.</p> <p>“Striker” means an individual who is involved in a</p>	<p>Colorado Works (CW)” means the cash assistance program also known as Title IV-A of the Social Security Act.</p> <p>“Temporary emergency” means an emergency caused by any natural or human-caused disaster, other than a major disaster declared by the President of the United States under the Disaster Relief Act of 1974, which is determined by FNS to have disrupted commercial channels of food distribution.</p> <p>“Thrifty Food Plan” means the diet required to feed a family of four (4) persons consisting of a man and a woman twenty (20) through fifty (50) years of age, a child six (6) through eight (8) years of age, and a child nine (9) through eleven (11) years of age, determined in accordance with the U.S. Department of Agriculture. The cost of such a diet shall be the basis for uniform allotments for all households regardless of their actual composition.</p> <p>“Trafficking” means attempting to buy, sell, steal, or otherwise affect an exchange of Food Assistance benefits issued and accessed via Electronic Benefit Transfer (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. Trafficking also includes (1) the exchange of Food Assistance benefits for firearms, ammunition, explosives, or controlled substances, (2) the resale of a product purchased with Food Assistance benefits in exchange for cash or consideration other than eligible food, and (3) the purchase of a product 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.</p>		

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		<p>strike or other concerted stoppage of work by employees, including a stoppage by reason of the expiration of a collective bargaining agreement and any concerted slowdown or other concerted interruption of operations by employees.</p> <p>“Supplement” means a payment of additional allowable benefits made for the current issuance month. “Systematic Alien Verification for Entitlements” means the system allowing for the validation of immigration statuses of non-citizen applicants and participants through access to centralized U.S. Citizenship and Immigration Service (USCIS) data.</p> <p>“Telephone allowance” means a fixed deduction given to any household not incurring utility expenses other than the expense for a telephone.</p> <p>“TANF” means Temporary Assistance for Needy Families.</p> <p>“Temporary emergency” means an emergency caused by any natural or human-caused disaster, other than a major disaster declared by the President of the United States under the Disaster Relief Act of 1974, which is determined by FNS to have disrupted commercial channels of food distribution.</p> <p>“Thrifty Food Plan” means the diet required to feed a family of four (4) persons consisting of a man and a woman twenty (20) through fifty (50) years of age, a child six (6) through eight (8) years of age, and a child nine (9) through eleven (11) years of age, determined in accordance with the U.S. Department of Agriculture. The cost of such a diet shall be the basis for uniform allotments for all households regardless of their actual composition.</p> <p>“Trafficking” means attempting to buy, sell, steal, or</p>	<p>“Under-issuance” means the difference between the allotment the household was eligible to receive and the allotment the household actually received, which was lower than what the household was eligible to receive.</p> <p>“Valid Application” means a state-prescribed form completed with name, address, and signature.</p> <p>“Vendor payments” means money payments that are not payable directly to a household, but are paid to a third party for a household expense.</p> <p>“Verification” means confirmation of a household’s statements through written, verbal, or electronic means.</p> <p>“Verified upon receipt (VUR)” means information that is provided directly from the primary source and which is not questionable.</p> <p>“Voluntary Work Registrant” means an individual who chooses to participate in the program and is not mandated to participate by the State or Federal regulations.</p> <p>“Waiver of Administrative Disqualification Hearing” means a waiver sent to individuals suspected of intentional Program violation which presents the individual with the option of waiving his or her right to an administrative hearing, essentially accepting the appropriate disqualification without necessarily admitting the violation.</p>		

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		<p>otherwise affect an exchange of Food Assistance benefits issued and accessed via Electronic Benefit Transfer (EBT) cards, card numbers and Personal Identification Numbers (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. Additionally, any bona fide recipient of Food Assistance or his or her authorized representative who knowingly transfers Food Assistance benefits to another who does not, or does not intend to use said Food Assistance for the benefit of the Food Assistance household for whom the Food Assistance benefits were intended, has committed trafficking.</p> <p>“Under-issuance” means the difference between the allotment the household was eligible to receive and the allotment the household actually received, which was lower than what the household was eligible to receive.</p> <p>“UIB” means Unemployment Insurance Benefits.  “Verification” means confirmation of a household’s statements through written, oral, or electronic means  “Verified upon receipt” means information that is provided directly from the primary source and which is not questionable. Information considered verified upon receipt shall be acted upon for both simplified reporting households and non-simplified reporting households.</p> <p>“Voluntary quit” means when a person voluntarily quits or reduces his or her work hours to less than thirty (30) per week or who are now earning less than the equivalent of thirty (30) hours per week paid at the federal minimum wage.</p> <p>“Voluntary Work Registrant” means an individual who chooses to participate in the program and is not</p>			

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		<p>mandated to participate by the State or Federal regulations.</p> <p>“Waiver of Administrative Disqualification Hearing” means a waiver sent to individuals suspected of intentional Program violation which presents the individual with the option of waiving his or her right to an administrative hearing, essentially accepting the appropriate disqualification without necessarily admitting the violation.</p>			
4.200	Added description to section heading.	APPLICATIONS AND RECERTIFICATIONS	<p>APPLICATIONS AND RECERTIFICATIONS</p> <p>This section specifically discusses processing of initial applications and applications for recertification.</p>	Provides clarity as to the content of the entire section.	
4.201(D-H)	Removed outdated and duplicative information.	<p>APPLICATION PROCESSING</p> <p>D. The household may voluntarily withdraw its application at any time prior to a determination of eligibility. After any determination of eligibility has been made, either through the use of the automated system or outside of the automated system, the local office cannot choose to withdraw the application. Once a determination of eligibility is made, the household may voluntarily terminate its participation. Any reason given by the household for withdrawal or termination shall be documented in the case file. A Notice of Action form, indicating voluntary withdrawal of application or voluntary termination of eligibility, shall be sent to the household within ten (10) calendar days of the decision, to confirm the action taken. The household shall be advised of its right to reapply at any time subsequent to a withdrawal.</p> <p>E. No household shall have its Food Assistance benefits denied solely on the basis of its application to participate in another program being denied or its benefits under another program being terminated, without a separate determination by the local office that a household failed to satisfy a Food Assistance Program eligibility requirement.</p>	<p>APPLICATION PROCESSING</p> <p>D. The household may voluntarily withdraw its application at any time prior to a determination of eligibility. Once a determination of eligibility is made, the household may voluntarily terminate its participation. Any reason given by the household for withdrawal or termination shall be documented in the case file. A Notice of Action form, indicating voluntary withdrawal of application or voluntary termination of participation, shall be sent to the household within ten (10) calendar days of the decision, to confirm the action taken. The household shall be advised of its right to reapply at any time subsequent to a withdrawal.</p> <p>E. No household shall have its Food Assistance benefits denied solely on the basis of its application to participate in another program being denied or its benefits under another program being terminated, without a separate determination by the local office that a household failed to satisfy a Food Assistance Program eligibility requirement.</p> <p>F. Households denied Food Assistance that have an SSI application pending shall be informed on the notice of denial of the possibility of categorical eligibility if they</p>	<p>Eligibility determinations should only be made in the automated system.</p> <p>Applications submitted to SSA information is contained in 4.202.3.</p>	



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		<p>F. The State has entered into an agreement with the Social Security Administration (SSA) whereby each SSA office will complete and forward Food Assistance applications from households comprised of only persons who receive Supplemental Security Income (SSI) or persons applying for SSI provided the household is not participating in the Food Assistance Program and has no applications pending. After interviewing the household and obtaining available verification, the SSA office will forward the application to the appropriate local office for eligibility determination. Residents of public institutions who apply for SSI prior to their release from an institution under the Social Security Administration prerelease program for the institutionalized shall be permitted to apply for Food Assistance at the same time they apply for SSI. See Sections 4.202.3 through 4.202.31 for the provisions regarding the SSA accepting applications and forwarding them to the county department.</p> <p>The agreement also provides that counties may outstation eligibility worker(s) at district SSA offices, in accordance with Section 4.202.33. In the event a county desires to outstation an eligibility worker(s) in the local SSA office to process Food Assistance applications, it would be necessary for the county to request the State to negotiate an appropriate revision of the agreement.</p> <p>G. Households denied Food Assistance that have an SSI application pending shall be informed on the notice of denial of the possibility of categorical eligibility if they become SSI recipients. Residents of public institutions who apply jointly for SSI and Food Assistance benefits prior to their release from the institution shall not be eligible for Food Assistance until the individual has been released from the public institution.</p>	<p>become SSI recipients. Residents of public institutions who apply jointly for SSI and Food Assistance benefits prior to their release from the institution shall not be eligible for Food Assistance until the individual has been released from the public institution.</p> <p>G. Local offices shall record in the automated system racial and ethnic data provided by an applicant household. The purpose of obtaining this information is not to affect the eligibility or the level of benefits, but rather to ensure that Program benefits are distributed without regard to race, color, or national origin. In those instances when the information is not provided voluntarily by the household on the application form, the local office shall use alternative means of collecting the ethnic and racial data on households, such as by observation during the interview. Under no circumstance should an eligibility worker challenge or change a self-declaration made by a household member</p>		

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		<p>H. Local offices shall record in the automated system racial and ethnic data provided by an applicant household. The purpose of obtaining this information is not to affect the eligibility or the level of benefits, but rather to ensure that Program benefits are distributed without regard to race, color, or national origin. In those instances when the information is not provided voluntarily by the household on the application form, the local office shall use alternative means of collecting the ethnic and racial data on households, such as by observation during the interview. Under no circumstance should an eligibility worker challenge or change a self-declaration made by a household member</p>			
4.202	Updated language to match federal regulation.	<p>FILING AN APPLICATION</p> <p>A. Regardless of what type of application system is used, the local office must provide a means for applicants to immediately begin the application process. The household shall be advised it may file an incomplete application form as long as the form contains a legible name, address, and is signed by a responsible household member or the household's authorized representative. Local offices shall accept applications for Food Assistance during normal business hours and shall not be restrictive to a certain day or time of day. The household shall be advised that it need not be interviewed before filing an application. The county department shall inform applicants that receiving Food Assistance will have no bearing on any other program's time limits that may apply to the household.</p> <p>B. Persons who request information for Food Assistance must be advised of expedited service provisions and encouraged to submit an application so that eligibility processing can begin. County local offices shall encourage the filing of an application form</p>	<p>FILING AN APPLICATION</p> <p>A. Regardless of what type of application system is used, the local office must provide a means for applicants to immediately begin the application process. The household shall be advised it may file an incomplete application form as long as the form contains a name, address, and is signed by a responsible household member or the household's authorized representative. Signatures include handwritten signatures, electronic signature techniques, recorded telephonic signatures, or documented gestured signatures. A valid handwritten signature includes a designation of an X. Local offices shall accept applications for Food Assistance during normal business hours and shall not be restricted to a certain day or time of day. The household shall be advised that it need not be interviewed before filing an application. The county department shall inform applicants that receiving Food Assistance will have no bearing on any other program's time limits that may apply to the household</p> <p>B. Persons who request information for Food Assistance must be advised of expedited service provisions and</p>	Federal regulations state a valid application signature can take various forms and only require a state agency provide a client a copy of their completed application upon their request.	

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		<p>on the same day the household or its representative contacts the local office in person or by telephone and expresses interest in obtaining Food Assistance, or indicates the household is without food or the means to obtain food.</p> <p>C. Local offices shall make application forms readily accessible to applicant households, as well as to groups and organizations, and shall also provide an application form to anyone who requests the form. If a household contacting the local office by telephone does not wish to come to the appropriate office to file the application that same day and instead prefers receiving an application through the mail, the local office shall mail an application form to the household on the same day the telephone request is received. An application shall also be mailed on the same day a written request for Food Assistance is received.</p> <p>Application forms shall be made available in Spanish, or other appropriate languages for use in those counties where it has been determined in conjunction with the State local office that there are a significant number of households without an adult member fluent in English.</p> <p>D. The local office shall annotate the application form by recording the date the form was received and processing time begins. Applications signed through the use of electronic signature technique or applications containing a handwritten signature, which are transmitted by fax, or other electronic transmissions, are acceptable as a valid application when received by the local office. When an application is submitted through such means outside of business hours, the application filing date shall be recorded as the next business day.</p> <p>E. Households must file Food Assistance applications</p>	<p>encouraged to submit an application so that eligibility processing can begin. County local offices shall encourage the filing of an application form on the same day the household or its representative contacts the local office in person or by telephone and expresses interest in obtaining Food Assistance, or indicates the household is without food or the means to obtain food.</p> <p>C. Local offices shall make application forms readily accessible to applicant households, as well as to groups and organizations, and shall also provide an application form to anyone who requests the form. If a household contacting the local office by telephone does not wish to come to the appropriate office to file the application that same day and instead prefers receiving an application through the mail, the local office shall mail an application form to the household on the same day the telephone request is received. An application shall also be mailed on the same day a written request for Food Assistance is received.</p> <p>Application forms shall be made available in Spanish, or other appropriate languages for use in those counties where it has been determined in conjunction with the State local office that there are a significant number of households without an adult member fluent in English.</p> <p>D. The State or local office shall annotate the application form by recording the date the form was received. All valid applications, which are paper, transmitted by fax, or other electronic transmissions, are acceptable. When an application is submitted through such means outside of business hours, the application filing date shall be recorded as the next business day.</p> <p>E. Households must file applications by submitting the forms in person, through an authorized representative, by fax or other electronic transmission, by mail or by completing an on-line electronic application. The local</p>		

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		<p>by submitting the forms in person, through an authorized representative, by fax or other electronic transmission, by mail or by completing an on-line electronic application. The local office must provide households that complete an on-line electronic application in person at the local office the opportunity to review the information that has been recorded electronically and must provide the household with a copy of the information for its records. Local offices shall advise applicants if a fax machine or other electronic transmission is available for the submission of an application.</p> <p>F. Applications are valid for a period of sixty (60) calendar days. Households reapplying for benefits following a determination of ineligibility more than sixty (60) calendar days from the date of the original application date must submit a new application.</p> <p>G. When households contact the wrong certification office within a county either in person or by telephone, the certification office shall give the household the address and telephone number of the appropriate office. The certification office shall also offer to forward the household's application to the appropriate office that same day. If the household has mailed its application to the wrong office within a county, the receiving office shall mail the application to the appropriate office on the same day or forward it the next day by any means that ensures the application will arrive at the appropriate office the same day it is forwarded. An application shall be considered filed and processing standards shall begin the day it is received by any local office in the correct county. A county that receives an application that belongs to another county may secure the application date, process the application to completion, issue the household an EBT card, and then transfer the case to the correct county once the final eligibility decision is</p>	<p>office must inform the applicant that they have the opportunity to obtain a copy of their application and provide the household with a copy of their completed application upon the request of the client. A copy of a completed application can be a copy of the information provided by the client that was used or will be used to determine a household's eligibility and benefit allotment. At the option of the household, this may be provided in an electronic format.</p> <p>F. Applications are valid for a period of sixty (60) calendar days. Households reapplying for benefits following a determination of ineligibility more than sixty (60) calendar days from the date of the original application date must submit a new application.</p> <p>G. When households contact the wrong certification office within a county either in person or by telephone, the certification office shall give the household the address and telephone number of the appropriate office. The certification office shall also offer to forward the household's application to the appropriate office that same day. If the household has mailed its application to the wrong office within a county, the receiving office shall mail the application to the appropriate office on the same day or forward it the next day by any means that ensures the application will arrive at the appropriate office the same day it is forwarded. An application shall be considered filed and processing standards shall begin the day it is received by any local office in the correct county. A county that receives an application that belongs to another county may secure the application date, process the application to completion, issue the household an EBT card, and then transfer the case to the correct county once the final eligibility decision is made.</p>		

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		made.			
4.202.2	Removed redundant language.	<p>4.202.2 Application Filing by Ineligible Non-Citizens</p> <p>The ineligibility of certain non-citizens for Program benefits will not prohibit the remaining household members from applying for and receiving Food Assistance. Ineligible non-citizens living in an applicant household shall not be considered eligible household members for Food Assistance purposes; however the ineligible non-citizen's income and resources are considered in the household's eligibility determination and benefit allotment.</p> <p>When the eligible members of a household are all unemancipated minors and the only adult is an ineligible non-citizen, the ineligible non-citizen may make application on behalf of the eligible minors without being considered as having applied for him/herself. However, if there is any other eligible adult of an unemancipated minor in the household, even though they would not normally be considered the household head, that eligible person should make application as the head of household.</p>	<p>4.202.2 Application Filing by Ineligible Individuals</p> <p>The ineligibility of certain individuals for Program benefits will not prohibit the remaining household members from applying for and receiving Food Assistance. Ineligible individuals living in an applicant household shall not be considered eligible household members for Food Assistance purposes; however the ineligible individual's income and resources are considered in the household's eligibility determination and benefit allotment.</p> <p>When the eligible members of a household are all unemancipated minors and the only adult is an ineligible individual, the ineligible individual may make application on behalf of the eligible minors without being considered as having applied for him/herself. However, if there is any other eligible adult of an unemancipated minor in the household, even though they would not normally be considered the household head, that eligible person should make application as the head of household.</p>	Anyone can file an application. This section has been updated to clarify any ineligible adult can apply on benefit of others in their household.	
4.202.3(C)	Grammar correction.	C. The SSA office is required to prescreen all Food Assistance applications for entitlement to expedited service and shall mark "expedited processing" on the first page of all applications of households that appear to be entitled to such processing. The SSA will inform households which appear to meet the criteria for expedited service that benefits may be issued a few days sooner if the household applies directly at the local office. The household may take the application from the SSA office to local office for screening, interview and processing of the application. Each local office shall furnish the SSA office(s) serving its geographical area with a street map and/or map defining its boundaries together with the addresses of the certification offices in the project area.	C. The SSA office is required to prescreen all Food Assistance applications for entitlement to expedited service and shall mark "expedited processing" on the first page of all applications of households that appear to be entitled to such processing. The SSA will inform households which appear to meet the criteria for expedited service that benefits may be issued a few days sooner if the household applies directly at the local office. The household may take the application from the SSA office to local office for screening, interviewing, and processing of the application. Each local office shall furnish the SSA office(s) serving its geographical area with a street map and/or map defining its boundaries together with the addresses of the certification offices in the project area.	Updated "for screening, and interview, and processing of the application to "for screening, interviewing, and processing of the application".	
4.202.31	Updated language	<b>SSI Telephone Applications and Recertifications</b>	<b>SSI Telephone Applications and Recertifications</b>	Federal	

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	to match federal regulation.	<p><b>Completed by the SSA</b></p> <p>A. If an SSA office takes an SSI application or redetermination on the telephone from a member of a pure SSI household, a Food Assistance application shall also be completed during the telephone interview. In these cases, the Food Assistance application shall be mailed by the SSA office to the applicant for signature for return to the SSA office or to the local office. The SSA office shall then forward any Food Assistance applications it receives to the local office. The local office shall not require the household to be interviewed again. The local office may contact the household further to obtain additional information for the eligibility determination in accordance with Section 4.204, E.</p> <p>B. The SSA office shall mail information of the client's right to file a Food Assistance application at the SSA office if they are members of a pure SSI household, or at their local office, and their right to an out-of-office Food Assistance interview to be performed by the county department if the household has a hardship condition as outlined in Section 4.204.1, "Waiver of Office Interview."</p> <p>C. For households consisting entirely of applicants for, or recipients of, SSI who apply for Food Assistance certification at an SSA office, the application shall be considered filed for normal processing purposes when the application is received by the SSA</p>	<p><b>Completed by the SSA</b></p> <p>If an SSA office takes an SSI application or redetermination on the telephone from a member of a pure SSI household, a Food Assistance application shall also be completed during the telephone interview and shall be mailed by the SSA office to the applicant for signature for return to the SSA office or to the local office. The SSA office shall then forward any Food Assistance applications it receives to the local office. The local office shall not require the household to be interviewed again. The local office may contact the household further to obtain additional information for the eligibility determination.</p> <p>B. The SSA office shall mail information of the client's right to file a Food Assistance application at the SSA office if they are members of a pure SSI household, or at their local office, and their right to an interview to be performed by the county department.</p> <p>C. For households consisting entirely of applicants for, or recipients of, SSI who apply for Food Assistance certification at an SSA office, the application shall be considered filed for normal processing purposes when the application is received by the SSA</p>	<p>regulations allow states the option to have telephone interviews as the primary method of interviewing households. Colorado has selected telephone interviews as the primary method of interviewing Food Assistance households.</p> <p>Neither a statewide nor a household waiver is required to complete a telephone interview.</p>	
4.202.32(C)	Duplicative reference.	C. The SSA office shall refer non-SSI households and those in which not all members have applied for or received SSI to the correct local office. The local office shall process those applications in accordance with the normal and expedited application processing procedures. Applications from such households shall be considered as filed on the date the signed application is taken at a local office in the correct		Exact language is included in 4.202.3, E	

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		county.			
4.203	Duplicative reference.	<p><b>HEAD OF HOUSEHOLD AND AUTHORIZED REPRESENTATIVES</b></p> <p>Application for participation shall be made in the name of the household, by the head of the household, the spouse, another household member, or an authorized representative. Households wishing to participate in the Program must make this desire known through the application process and provide the certification office with enough information regarding household income and other eligibility factors to enable the certification worker to make a determination of eligibility. Refusal by the household to cooperate in providing the specifically stated information necessary for an eligibility determination, or withdrawal of application, is grounds for denial of the application. See Section 4.604, H.</p>	<p><b>HEAD OF HOUSEHOLD AND AUTHORIZED REPRESENTATIVES</b></p> <p>Application for participation shall be made in the name of the household, by the head of the household, the spouse, another household member, or an authorized representative.</p>	Removed language is included in 4.604.	
4.203.1	Clarified language.	<p><b>Designating a Head of Household</b></p> <p>A. The local office shall allow a household with adult parents and children, regardless of age or an adult with parental control over the children (less than eighteen years of age), to select an adult parent of children as its head when all adult members making application agree to the selection. The household may make this designation each time the household is certified for participation, but may not change the designation during a certification period unless there is a change in the composition of the household.</p> <p>B. Once an eligible household (household with an adult parent of children) selects its head, no further head of household designation may be imposed by the local office. If the household is not able to select its head of household, or an eligible household does not choose to select its head of household, the local office may make a reasonable determination of the head of household with an understanding that the</p>	<p><b>Designating a Head of Household</b></p> <p>A. The local office shall allow a household to select an adult parent of children (of any age) living in the household, or an adult who has parental control over children (under 18 years of age) living in the household, as the head of household provided that all adult members agree to the selection. The household may make this designation each time the household is certified for participation, but may not change the designation during a certification period unless there is a change in the composition of the household.</p> <p>B. The local office shall not use the head of household designation to impose special requirements on the household, such as require that the head of household, rather than another responsible member of the household, appear at the local office to make application for benefits. If the household is not able to select its head of household, or an eligible household does not choose to select its head of household, the local office</p>	Updated language around head of household to better reflect language in federal regulation.	

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		<p>head of household is usually the household member who has the most knowledge of the household's financial circumstances. Such individual must be a household member, except that, if the only adult in the Food Assistance household is a non-household member, such individual may make application on behalf of the household of minors as the authorized representative.</p>	<p>may make a reasonable determination of the head of household with an understanding that the head of household is usually the household member who has the most knowledge of the household's financial circumstances. Such individual must be a household member, except that, if the only adult in the Food Assistance household is a non-household member, such individual may make application on behalf of the household of minors as the authorized representative.</p>		
4.203.2	Duplicative references.	<p>Designating Authorized Representatives</p> <p>A. The head of the household, spouse or any other responsible household member may designate in writing someone to act on behalf of the household to make an application, obtain an EBT card, and/or use the EBT card to purchase food for the household. In instances where a household is in need of an authorized representative but is unable to obtain one, the local office will assist such a household in finding an authorized representative. The certification office will assure that authorized representatives are properly designated; that is, the name of the authorized representative and the justification for appointing a person outside the household shall be maintained as part of the household's permanent case record.</p> <p>1. Making an Application</p> <p>When the head of the household or spouse cannot make an application for participation, another responsible household member may apply. An adult non-household member may act as the authorized representative. When designated in writing by the head of the household, spouse, or other responsible household member, the authorized representative must be a person who is sufficiently aware of relevant household</p>	<p>Designating Authorized Representatives</p> <p>A. The head of the household, spouse or any other responsible household member may designate in writing someone to act on behalf of the household to make an application, obtain an EBT card, and/or use the EBT card to purchase food for the household. In instances where a household is in need of an authorized representative but is unable to obtain one, the local office will assist such a household in finding an authorized representative. The certification office will assure that authorized representatives are properly designated; that is, the name of the authorized representative and the justification for appointing a person outside the household shall be maintained as part of the household's permanent case record.</p> <p>1. Making an Application</p> <p>The authorized representative must be a person who is sufficiently aware of relevant household circumstances. Whenever possible, the head of the household or spouse should prepare or review the application even though another household member or an authorized representative is the person interviewed.</p> <p>The local office shall inform the household that the household will be held liable for any over-issuance which results from erroneous</p>	<p>Information is duplicative of head of household information in 4.203.1(B), residents of drug and alcohol treatment centers 4.309.31 and residents of group living arrangements in 4.309.41.</p>	



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		<p>circumstances. Whenever possible, the head of the household or spouse should prepare or review the application even though another household member or an authorized representative is the person interviewed.</p> <p>The local office shall inform the household that the household will be held liable for any over-issuance which results from erroneous information given by the authorized representative., except in the cases where the erroneous information is provided by an authorized representative of a drug and alcohol treatment center or group living facility. If a household member is found guilty of intentional program violation/fraud because of erroneous information given by an authorized representative, only the authorized representative will be held liable and not the household. Drug and alcohol treatment centers and group living facilities shall be responsible for any misrepresentation of intentional program violation/fraud which they knowingly commit in the certification of their residents.</p> <p>2.Obtaining an EBT Card</p> <p>An authorized representative may be designated to obtain an EBT card for the household at the time the household applies for participation. The authorized representative responsible for obtaining an EBT card may be the same individual designated to make application for the household or may be another individual. Even if a household member is able to make an application and obtain an EBT card, the household should be encouraged to name an</p>	<p>information given by the authorized representative.</p> <p>2.Obtaining an EBT Card</p> <p>An authorized representative may be designated to obtain an EBT card for the household at the time the household applies for participation. The authorized representative responsible for obtaining an EBT card may be the same individual designated to make application for the household or may be another individual. Even if a household member is able to make an application and obtain an EBT card, the household should be encouraged to name an authorized representative responsible for obtaining an EBT Card in case of illness or other circumstances which might result in an inability to obtain Food Assistance benefits.</p> <p>3. Using an EBT Card</p> <p>The authorized representative may use the household's EBT card to purchase food for the household's consumption provided the authorized representative is acting with the full knowledge and consent of the household.</p> <p>4. Restrictions</p> <p>An authorized representative may act on behalf of more than one household and limits shall not be placed on the number of households an authorized representative may represent, but such an arrangement should be approved only if there is a bona fide need. In determining such need, consideration shall be given to the proximity of the households to one another, the</p>		

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		<p>authorized representative responsible for obtaining an EBT Card in case of illness or other circumstances which might result in an inability to obtain Food Assistance benefits.</p> <p>3. Using an EBT Card</p> <p>The authorized representative may use the household's EBT card to purchase food for the household's consumption provided the authorized representative is acting with the full knowledge and consent of the household.</p> <p>4. Restrictions</p> <p>An authorized representative may act on behalf of more than one household and limits shall not be placed on the number of households an authorized representative may represent, but such an arrangement should be approved only if there is a bona fide need. In determining such need, consideration shall be given to the proximity of the households to one another, the distance to the certification or issuance office, the availability of transportation, and the health of the household members involved.</p> <p>In the event employers, such as those that employ migrants, are designated as authorized representatives or that a single authorized representative has access to multiple EBT cards, the certification office should make certain that:</p> <p>a. The household has freely requested the assistance of the authorized representative;</p>	<p>distance to the certification or issuance office, the availability of transportation, and the health of the household members involved.</p> <p>In the event employers, such as those that employ migrants, are designated as authorized representatives or that a single authorized representative has access to multiple EBT cards, the certification office should make certain that:</p> <p>a. The household has freely requested the assistance of the authorized representative;</p> <p>b. The household's circumstances are correctly stated and the household is receiving the correct amount of benefits; and,</p> <p>c. The authorized representative is properly using the EBT card.</p> <p>B. In the event the only adult living with a household is classified as a non-household member, that individual may be the authorized representative for the minor household members.</p>		

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		<p>b. The household's circumstances are correctly stated and the household is receiving the correct amount of benefits; and,</p> <p>c. The authorized representative is properly using the EBT card.</p> <p>B. In the event the only adult living with a household is classified as a non-household member, that individual may be the authorized representative for the minor household members.</p> <p>C. Residents of drug or alcohol treatment centers shall participate in the Program through use of an authorized representative who shall be an employee of, and designated by, the private nonprofit organization. Drug or alcohol treatment centers shall receive and spend the Food Assistance benefits for food prepared by and served to the residents of the center who are participating in the Food Assistance Program.</p> <p>D. Residents of group living arrangements shall participate through an authorized representative employed and designated by the group living arrangement unless the group living arrangement determines the resident is capable of acting on his/her own behalf. The head of a group living arrangement which acts as the authorized representative for the residents may either receive and spend the residents' benefits for food that will be prepared by and served to each eligible resident or allow each resident to spend all or any portion of the benefits on his or her own behalf.</p>			
4.204(A)	Updated language to match federal regulation.	<p><b>Interviews</b></p> <p>A. Interview Requirements</p>	<p><b>Interviews</b></p> <p>A. Interview Requirements</p>	Federal regulation allows an interview in the home of a	

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		<p>All applicant households shall undergo a face-to-face or phone interview with a qualified eligibility worker prior to initial certification and at least once every twelve (12) months. A household certified for twenty-four (24) months is not required to complete an interview at the 12 month interim. The applicant may bring any person(s) he or she chooses to the interview. The individual interviewed may be the head of the household, spouse, or any other responsible member of the household, or an authorized representative. A face-to-face interview may be conducted at the county local office or a mutually acceptable location, including the household's residence. If the interview is to be conducted at the residence, it must be scheduled in advance. The interview shall be conducted as an official and confidential discussion of household circumstances. The applicant's right to privacy shall be protected during the interview. Facilities shall be adequate to preserve the privacy and confidentiality of the interview.</p> <p>The eligibility worker shall not simply review the information entered on the application, but shall explore and resolve with the household unclear and incomplete information. Households shall be advised of their rights and responsibilities during the interview, including the appropriate application processing standard and the household's responsibility to report changes. The interviewer must advise households which are applying for other public assistance programs that any time limits and other requirements for the receipt of other public assistance do not apply to the receipt of Food Assistance. Households may still qualify for Food Assistance if they have reached a time limit, begun working, or lost benefits from another program for another reason.</p> <p>Upon determination that a person should be referred</p>	<p>All applicant households shall undergo a face-to-face or phone interview with a qualified eligibility worker prior to initial certification and at least once every twelve (12) months. A household certified for twenty-four (24) months is not required to complete an interview at the 12 month interim. The applicant may include any person(s) he or she chooses for the interview. The individual interviewed may be the head of the household, spouse, or any other responsible member of the household, or an authorized representative. A face-to-face interview may be conducted at the county local office or a mutually acceptable location, including the household's residence upon household request. If the interview is to be conducted at the residence, it must be scheduled in advance. The interview shall be conducted as an official and confidential discussion of household circumstances. The applicant's right to privacy shall be protected during the interview. Facilities shall be adequate to preserve the privacy and confidentiality of the interview.</p> <p>The eligibility worker shall not simply review the information entered on the application, but shall explore and resolve with the household unclear and incomplete information. Households shall be advised of their rights and responsibilities during the interview, including the appropriate application processing standard and the household's responsibility to report changes. The interviewer must advise households which are applying for other public assistance programs that any time limits and other requirements for the receipt of other public assistance do not apply to the receipt of Food Assistance. Households may still qualify for Food Assistance if they have reached a time limit, begun working, or lost benefits from another program for another reason.</p> <p>Upon determination that a person should be referred to an Employment First Unit, the county department shall explain to the applicant the pertinent work requirements,</p>	<p>household only when the household has requested an interview in their home. The home interview cannot be at the preference of the local office.</p>	

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		<p>to an Employment First Unit, the county department shall explain to the applicant the pertinent work requirements, the rights and responsibilities of work registered household members, and the consequences of failure to comply. The local office shall provide a written statement of these requirements to each work registrant in the household and to each previously exempt or new household member when that person becomes subject to the work registration and at recertification.</p>	<p>the rights and responsibilities of work registered household members, and the consequences of failure to comply. The local office shall provide a written statement of these requirements to each work registrant in the household and to each previously exempt or new household member when that person becomes subject to the work registration and at recertification.</p>		
4.204.1	<p>Removed language to match federal regulation.</p>	<p><b>Waiver of Office Interview</b></p> <p>A. The household shall be notified that the face-to-face interview will be waived in favor of a telephone interview or home visit on a case-by-case basis because of a household hardship, as listed below in D, which may prevent the applicant from coming to the office.</p> <p>The local office shall conduct a telephone interview or a home visit in cases in which the office interview is waived. Home visits shall be scheduled in advance with the household. Waiver of the office interview does not exempt the household from the verification requirements, although special procedures may be used, and shall not affect the household's certification period. The local office shall document in the case record the reason that a requested waiver was granted or denied.</p> <p>B. The office interview shall be waived if requested by any household which is unable to appoint an authorized representative and which has no household members able to come to the local office because they are sixty (60) years of age or older, or have a mental or physical disability, or are residents of a shelter for battered women and children.</p> <p>C. The local office shall waive the office interview on a</p>		<p>Federal regulations allow states the option to have telephone interviews as the primary method of interviewing households. Colorado has selected telephone interviews as the primary method of interviewing Food Assistance households.</p> <p>Neither a statewide nor a household waiver is required to complete a telephone interview.</p>	

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		<p>case-by-case basis for a household whenever desirable, including households that are unable to appoint an authorized representative and those households that do not contain A member capable of coming to the local office because of hardships. The local office shall document in the case file the reason that a requested waiver was granted or denied.</p> <p>D. Hardship conditions include, but are not limited to:</p> <ol style="list-style-type: none"> <li>1. Illness or the need to care for someone;</li> <li>2. Work schedule;</li> <li>3. Loss of pay or fear of loss of job;</li> <li>4. The household members are sixty (60) years of age or older;</li> <li>5. The household member is mentally or physically disabled;</li> <li>6. The household has an adult who has earned income;</li> <li>7. The household has an adult in school or training;</li> <li>8. The household resides in a rural area;</li> <li>9. Prolonged severe weather;</li> <li>10. Transportation difficulties, including if the household does not own a vehicle or does not have transportation available;</li> <li>11. Family violence or harassment or stalking;</li> </ol>			

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		<p>12. Work hours or employment training hours; and,</p> <p>13. Any other challenge which precludes an in-office interview</p>			
4.205	Removed unnecessary cross-reference.	<p><b>Application Processing Standards</b></p> <p>All newly certified households, except those that are given expedited service, shall be given an opportunity to participate no later than thirty (30) calendar days following the date the application was filed. Households entitled to expedited service shall have benefits available no later than the seventh calendar day following the date of application. For application processing purposes, day “one” (1) is the first calendar day after the application is received by a local office in the correct county.</p> <p>If the local office does not determine a household’s eligibility and provide an opportunity to participate within thirty (30) calendar days following the date the application was filed, the office shall determine whether the delay was caused by failure to act on the part of the household or on the part of the local office as outlined in Sections 4.205.3 through 4.205.4.</p> <p>For more information about authorizing and accessing benefits, refer to 4.207, “Authorizing Benefits.”</p>	<p><b>Application Processing Standards</b></p> <p>All newly certified households, except those that are given expedited service, shall be given an opportunity to participate no later than thirty (30) calendar days following the date the application was filed. Households entitled to expedited service shall have benefits available no later than the seventh calendar day following the date of application. For application processing purposes, day “one” (1) is the first calendar day after the application is received by a local office in the correct county.</p> <p>If the local office does not determine a household’s eligibility and provide an opportunity to participate within thirty (30) calendar days following the date the application was filed, the office shall determine whether the delay was caused by failure to act on the part of the household or on the part of the local office as outlined in Sections 4.205.3 through 4.205.4.</p>	The citation to another section of the Food Assistance regulation is not necessary to understand the context of this citation.	
4.205.1	Removed language to match federal regulation.	<p><b>Processing Standards for Expedited Service</b></p> <p>A. The following households are entitled to expedited service:</p> <ol style="list-style-type: none"> <li>1. Migrant or seasonal farm worker households whose liquid resources do not exceed one hundred dollars (\$100) and who are destitute of income as defined in Section 4.406.</li> <li>2. Households whose liquid resources do not exceed one hundred dollars (\$100) and who</li> </ol>	<p><b>Processing Standards for Expedited Service</b></p> <p>A. The following households are entitled to expedited service:</p> <ol style="list-style-type: none"> <li>1. Migrant or seasonal farm worker households whose liquid resources do not exceed one hundred dollars (\$100) and who are destitute of income as defined in Section 4.406.</li> <li>2. Households whose liquid resources do not exceed one hundred dollars (\$100) and who reasonably expect to have less than one</li> </ol>	Federal regulations allow states the option to have telephone interviews as the primary method of interviewing households. Colorado has selected	

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		<p>reasonably expect to have less than one hundred fifty dollars (\$150) of gross monthly income in the calendar month of application.</p> <p>3. Eligible households whose combined monthly gross income and liquid resources are less than the household's anticipated monthly rent/mortgage and utilities. The appropriate utility standard, as defined in Section 4.407.31, shall be utilized when determining a household's utility costs.</p> <p>B. Households eligible for expedited service shall be able to access EBT benefits no later than the seventh (7th) calendar day following the date of application.</p> <p>1. If a household is entitled to expedited service the local office shall conduct the interview, unless the household cannot be reached, and complete the application process within seven (7) calendar days.</p> <p>2. Households entitled to expedited service shall complete an interview prior to any determination of eligibility. If a household fails to complete the required interview within seven (7) calendar days following the date the application for assistance was filed, the household is no longer entitled to expedited benefits by the seventh (7th) day following the date of application.</p> <p>3. In instances in which the household is entitled to expedited service and to a waiver of the office interview and a proxy cannot be secured to complete the application process, the county department shall make all reasonable efforts to send a staff member or volunteer to the household's residence to</p>	<p>hundred fifty dollars (\$150) of gross monthly income in the calendar month of application.</p> <p>3. Eligible households whose combined monthly gross income and liquid resources are less than the household's anticipated monthly rent/mortgage and utilities. The appropriate utility standard, as defined in Section 4.407.31, shall be utilized when determining a household's utility costs.</p> <p>B. Households eligible for expedited service shall be able to access EBT benefits no later than the seventh (7th) calendar day following the date of application.</p> <p>1. If a household is entitled to expedited service the local office shall conduct the interview, unless the household cannot be reached, and complete the application process within seven (7) calendar days.</p> <p>2. Households entitled to expedited service shall complete an interview prior to any determination of eligibility. If a household fails to complete the required interview within seven (7) calendar days following the date the application for assistance was filed, the household is no longer entitled to expedited benefits by the seventh (7th) day following the date of application.</p> <p>C. Households that apply for initial benefits after the fifteenth (15th) of the month under the expedited service procedures, which have completed the application and provided all verification within the expedited timeframe and have been determined eligible to receive benefits for the initial month and the subsequent month, shall receive the application month's prorated allotment and the next full month's allotment at the same time.</p>	<p>telephone interviews as the primary method of interviewing Food Assistance households.</p> <p>Neither a statewide nor a household waiver is required to complete a telephone interview.</p> <p>Applications submitted to SSA information is contained in 4.202.3.</p>	



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		<p>complete the application within the six (6) calendar-day period.</p> <p>C. Households that apply for initial benefits after the fifteenth (15th) of the month under the expedited service procedures, which have completed the application and provided all verification within the expedited timeframe and have been determined eligible to receive benefits for the initial month and the subsequent month, shall receive the application month's prorated allotment and the next full month's allotment at the same time.</p> <p>Households applying for initial benefits after the fifteenth (15th) of the month for which verification has been postponed shall have the second month's benefits and the prorated allotment available on the seventh (7th) calendar day. The household must provide all postponed verification before the third month's benefits can be issued.</p> <p>D. Households not initially screened as requiring expedited service, but subsequently determined to be entitled to such service, shall be entitled to the expedited processing timeframes from the date such a determination was made.</p> <p>E. In those instances where the application was completed at an SSA office, the expedited processing time standards shall begin on the date the local office received the Food Assistance application or the date that an individual was released from an institution if that household applied for SSI and Food Assistance prior to the release from an institution.</p> <p>F. If Program benefits are reduced, suspended, or cancelled in accordance with Section 4.904.4, households eligible for expedited service shall receive expedited service in accordance with the following</p>	<p>Households applying for initial benefits after the fifteenth (15th) of the month for which verification has been postponed shall have the second month's benefits and the prorated allotment available on the seventh (7th) calendar day. The household must provide all postponed verification before the third month's benefits can be issued.</p> <p>D. Households not initially screened as requiring expedited service, but subsequently determined to be entitled to such service, shall be entitled to the expedited processing timeframes from the date such a determination was made.</p> <p>E. If Program benefits are reduced, suspended, or cancelled in accordance with Section 4.904.4, households eligible for expedited service shall receive expedited service in accordance with the following procedures:</p> <ol style="list-style-type: none"> <li>1. Those households that receive expedited service in the month(s) in which reductions are in effect and are determined to be eligible shall be issued allotments that are reduced in accordance with the reduction in effect. These reduced allotments shall be made available to the households within the timeframes specified in this section.</li> <li>2. Those households that receive expedited service in month(s) in which suspensions are in effect and are determined to be eligible shall have benefits issued to them within the timeframes specified in this section. However, if the suspension is still in effect at the time issuance is to be made, the issuance shall be postponed until the suspension is ended.</li> </ol>		

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		<p>procedures:</p> <p>1. Those households that receive expedited service in the month(s) in which reductions are in effect and are determined to be eligible shall be issued allotments that are reduced in accordance with the reduction in effect. These reduced allotments shall be made available to the households within the timeframes specified in this section.</p> <p>2. Those households that receive expedited service in month(s) in which suspensions are in effect and are determined to be eligible shall have benefits issued to them within the timeframes specified in this section. However, if the suspension is still in effect at the time issuance is to be made, the issuance shall be postponed until the suspension is ended.</p> <p>3. Households eligible to receive expedited processing and who apply for Program benefits during months in which cancellations are in effect shall receive expedited service. However, the deadline for completing the processing of such cases shall be five (5) calendar days or the end of the month of application, whichever date is later. All other rules pertaining to expedited service contained in this section shall be applicable to these cases.</p>	<p>3. Households eligible to receive expedited processing and who apply for Program benefits during months in which cancellations are in effect shall receive expedited service. However, the deadline for completing the processing of such cases shall be five (5) calendar days or the end of the month of application, whichever date is later. All other rules pertaining to expedited service contained in this section shall be applicable to these cases.</p>		
4.205.11	Removed unnecessary cross-reference.	<p><b>Special Provisions for Expedite Service</b></p> <p>A. Households requesting, but not entitled to, expedited service shall have their applications processed according to normal processing standards as outlined in Section 4.205.2.</p>	<p><b>Special Provisions for Expedite Service</b></p> <p>A. Households requesting, but not entitled to, expedited service shall have their applications processed according to normal processing standards.</p> <p>B. The local office shall use the following procedures for</p>	The citation to another section of the Food Assistance regulation is not necessary to understand the	

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		<p>B. The local office shall use the following procedures for expediting service:</p> <ol style="list-style-type: none"> <li>1. Prior to certification, the identity of the applicant shall be verified. through a collateral contact, electronic information provided by the Colorado Department of Revenue, Division of Motor Vehicles (DMV) or by readily available documentary evidence.</li> <li>2. Refer to Section 4.505.1 for acceptable sources of identification verification.</li> <li>3. Prior to certification of expedited benefits, all reasonable efforts shall be made to verify residency, income, or lack thereof, and other factors required in Section 4.502 "through collateral contacts or readily available documentary evidence. However, verification shall be postponed if it cannot be obtained in sufficient time to meet the expedited processing standards. If verification required in Section 4.502 or verification of questionable information is postponed, the household shall be certified for expedited benefits, if determined eligible, for the month of application or, for those households applying after the fifteenth (15th) of the month, the month of application and the subsequent month.</li> </ol>	<p>expediting service:</p> <ol style="list-style-type: none"> <li>1. Prior to certification, the identity of the applicant shall be verified.</li> <li>2. Prior to certification of expedited benefits, all reasonable efforts shall be made to verify residency, income, or lack thereof, and other factors of eligibility. However, verification shall be postponed if it cannot be obtained in sufficient time to meet the expedited processing standards. If verification is postponed, the household shall be certified for expedited benefits, if determined eligible, for the month of application or, for those households applying after the fifteenth (15th) of the month, the month of application and the subsequent month.</li> </ol>	<p>context of this citation.</p>	
4.205.2	<p>Removed duplicative references and added clarifying language to align with federal regulation.</p>	<p><b>Normal Processing Standards</b></p> <p>A. The county local office shall process applications as expeditiously as possible and provide eligible households a written notification of their eligibility. The applicant household must receive a Notice of Action form, which will indicate the household's period of eligibility and Food Assistance allotment. Eligible</p>	<p><b>Normal Processing Standards</b></p> <p>A. The county local office shall process applications as expeditiously as possible and provide eligible households a written notification of their eligibility. The applicant household must receive a Notice of Action form, which will indicate the household's period of eligibility and Food Assistance allotment. Eligible</p>	<p>Applications submitted to SSA information is contained in 4.202.3.</p> <p>Updated language around</p>	

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		<p>households shall be provided an opportunity to obtain benefits as soon as possible, but no later than thirty (30) calendar days following the date the application was filed. Except for applications filed at an SSA office, an application shall be considered filed the day a local office in the correct county receives a signed application containing the applicant's name, address, and signature.</p> <p>Households found to be ineligible shall be sent a Notice of Action form denying the household as soon as possible, but no later than thirty (30) calendar days following the date the application was filed. Applicant households that refuse to cooperate in completing the application process shall be denied at the time of refusal. For a determination of refusal to be made, the household must refuse to take actions that are required to complete the application process.</p> <p>B. In cases where verification is incomplete, the local office shall provide the household with a statement of required verification on the state-prescribed notice form and offer to assist the household in obtaining the required verification. The office shall allow the household ten (10) calendar days to provide the missing verifications, unless the household missed the first appointment. If the household misses the first appointment and the interview cannot otherwise be rescheduled until after the twentieth (20th) day but before the thirtieth (30th) day following the date the application was filed, the household must appear for the interview, bring verification, and register members for work by the thirtieth (30th) day. A household can be found ineligible or eligible for the month of application and for the following month based on one (1) application, if sufficient information for such determination is available. The state-prescribed notice form shall reflect specific months of eligibility and ineligibility.</p>	<p>households shall be provided an opportunity to obtain benefits as soon as possible, but no later than thirty (30) calendar days following the date the application was filed. Except for applications filed at an SSA office, an application shall be considered filed the day a local office in the correct county receives a valid application containing the applicant's name, address, and signature.</p> <p>Households found to be ineligible shall be sent a Notice of Action form denying the household as soon as possible, but no later than thirty (30) calendar days following the date the application was filed. Applicant households that refuse to cooperate in completing the application process shall be denied at the time of refusal. For a determination of refusal to be made, the household must be able to cooperate, but clearly refuse to take actions that are required to complete the application process.</p> <p>B. In cases where verification is incomplete, the local office shall provide the household with a statement of required verification on the state-prescribed notice form and offer to assist the household in obtaining the required verification. The office shall allow the household ten (10) calendar days to provide the missing verifications, unless the household missed the first appointment. If the household misses the first appointment and the interview cannot otherwise be rescheduled until after the twentieth (20th) day but before the thirtieth (30th) day following the date the application was filed, the household must appear for the interview, bring verification, and register members for work by the thirtieth (30th) day. A household can be found ineligible or eligible for the month of application and for the following month based on one (1) application, if sufficient information for such determination is available. The state-prescribed notice form shall reflect specific months of eligibility and ineligibility.</p>	<p>a household's refusal to cooperate to note the household must be able to cooperate but clearly refuse to cooperate in the application process prior to a denial of the application.</p>	

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		<p>C. Applications are valid for a period of sixty (60) calendar days. Households reapplying for benefits following a determination of ineligibility more than sixty (60) calendar days from the date of the original application must submit a new application.</p> <p>D. In those instances where the application was completed at an SSA office, the local office shall make an eligibility determination and issue Food Assistance benefits to eligible SSI households within thirty (30) calendar days following the date the application was received by the SSA. Applications shall be considered filed for normal processing purposes when the signed application is received by SSA.</p>	<p>C. Applications are valid for a period of sixty (60) calendar days. Households reapplying for benefits following a determination of ineligibility more than sixty (60) calendar days from the date of the original application must submit a new application.</p>		
4.205.4	Duplicative reference.	<p><b>Delays in Processing Beyond Sixty (60) Days</b></p> <p>A. If the local office is at fault for not completing the application process by the end of the second thirty (30) day period, and the case record is otherwise complete, the office shall continue to process the original application until an eligibility determination is made. If the household is found to be eligible, and the local office was also at fault for the delay in the initial thirty (30) days, benefits retroactive to the month of application shall be provided to the household. However, if the delay during the initial thirty days was the household's fault, benefits shall only be provided back to the month following the month of application (see Section 4.207.2).</p> <p>B. If the local office is at fault for not completing the application by the end of the second thirty (30) day period, but the case record is insufficiently complete to make an eligibility determination, the office shall deny the case and request the household to file a new application, if desired.</p> <p>C. If found eligible during the sixty (60) calendar-day</p>	<p><b>Delays in Processing Beyond Sixty (60) Days</b></p> <p>A. If the local office is at fault for not completing the application process by the end of the second thirty (30) day period, and the case record is otherwise complete, the office shall continue to process the original application until an eligibility determination is made. If the household is found to be eligible, and the local office was also at fault for the delay in the initial thirty (30) days, benefits retroactive to the month of application shall be provided to the household. However, if the delay during the initial thirty days was the household's fault, benefits shall only be provided back to the month following the month of application (see Section 4.207.2).</p> <p>B. If the local office is at fault for not completing the application by the end of the second thirty (30) day period, but the case record is insufficiently complete to make an eligibility determination, the office shall deny the case and request the household to file a new application, if desired.</p> <p>C. If the household is at fault for not completing the application process by the end of the second thirty (30)</p>	Information on delays in processing during the 60-days is included in 4.205.31 and 4.205.32.	

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		<p>period, benefits to the household would be calculated from the month of application, provided the local office was also at fault for the delay in the initial thirty (30) day period. Benefits would be calculated from the month following the month of application if the household was at fault for the initial delay. The benefits would be prorated if action was taken after the thirty day time frame but still within the second month. If the household is at fault and action is not taken until the third calendar month following the month of application, the benefits will be provided only for the third calendar month. If the action is taken after the 1st day in the third calendar month but within the sixty day period, the benefits will be prorated from the date the household takes the required action for the third month.</p> <p>D. If the household is at fault for not completing the application process by the end of the second thirty (30) day period, the application shall be denied and a new application required if the household wishes to participate. The household shall not be entitled to any lost benefits even if the delay in the initial thirty day period was the fault of the local office.</p>	<p>day period, the application shall be denied and a new application required if the household wishes to participate. The household shall not be entitled to any lost benefits even if the delay in the initial thirty day period was the fault of the local office.</p>		
4.206(C)(1)(b)	Removed unnecessary cross-reference.	<p>b. Households eligible under basic categorical eligibility have been deemed to have met the income and resource requirements of the program that confers eligibility; therefore, no further verification is required beyond that gathered by the program that confers eligibility. However, the agency must collect and verify eligibility factors in accordance with Sections 4.300 and 4.502. if these factors are not already collected and verified by the other program, are considered questionable, or are unavailable to the Food Assistance Program. This includes:</p> <p>1) Net income;</p> <p>2 )Gross income;</p>	<p>b. Households eligible under basic categorical eligibility have been deemed to have met the income and resource requirements of the program that confers eligibility; therefore, no further verification is required beyond that gathered by the program that confers eligibility. However, the agency must collect and verify eligibility factors if these factors are not already collected and verified by the other program, are considered questionable, or are unavailable to the Food Assistance Program. This includes:</p> <p>1) Net income;</p> <p>2) Gross income;</p>	The citation to another section of the Food Assistance regulation is not necessary to understand the context of this citation.	

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		3) Resources; 4) Residency; 5) Social Security Number; 6) Sponsored non-citizen information.	3) Resources; 4) Residency; 5) Social Security Number; 6) Sponsored non-citizen information.		
4.206(C)(2)(b)	Removed unnecessary cross-reference.	b. Households eligible under expanded categorical eligibility have been deemed to have met the income and resource requirements of the program that confers eligibility; therefore, no further verification is required beyond that gathered by the program that confers eligibility. However, the agency must collect and verify eligibility factors in accordance with Sections 4.300 and 4.502, if these factors are not already collected and verified by the other program, are considered questionable, or are unavailable to the Food Assistance Program. This includes:  1) Net income; 2) Gross income; 3) Resources; 4) Residency; 5) Social Security Number; 6) Sponsored non-citizen information.	b. Households eligible under expanded categorical eligibility have been deemed to have met the income and resource requirements of the program that confers eligibility; therefore, no further verification is required beyond that gathered by the program that confers eligibility. However, the agency must collect and verify eligibility factors if these factors are not already collected and verified by the other program, are considered questionable, or are unavailable to the Food Assistance Program. This includes:  1) Net income; 2) Gross income; 3) Resources; 4) Residency; 5) Social Security Number; 6) Sponsored non-citizen information.	The citation to another section of the Food Assistance regulation is not necessary to understand the context of this citation.	
4.206(C)(3)(b)	Removed reference to eliminated citation.	b. Households having their eligibility reviewed under standard eligibility rules must meet the following criteria:  1) Households that include a member who is elderly or a person with a disability as defined in Section 4.304.41,C must have a combined net income, after all applicable deductions, at	b. Households having their eligibility reviewed under standard eligibility rules must meet the following criteria:  1) Households that include a member who is elderly or a person with a disability must have a combined net income, after all applicable deductions, at or below one hundred percent (100%) of the federal poverty level. The	Disability is now contained within definitions and not in a separate citation.	

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		<p>or below one hundred percent (100%) of the federal poverty level. The household must have resources below the limit prescribed in Section 4.408.</p> <p>2) Households that do not include a member who is elderly or a person with a disability as defined in Section 4.304.41,C must have a combined gross income at or below one hundred thirty percent (130%) of the federal poverty level. After all applicable deductions, the household's net income must be at or below one hundred percent (100%) of the federal poverty level. The household must have resources below the limit prescribed in Section 4.408.</p> <p>3) Households must also meet nonfinancial eligibility criteria set out in Section 4.300.</p>	<p>household must have resources below the limit prescribed in Section 4.408.</p> <p>2) Households that do not include a member who is elderly or a person with a disability must have a combined gross income at or below one hundred thirty percent (130%) of the federal poverty level. After all applicable deductions, the household's net income must be at or below one hundred percent (100%) of the federal poverty level. The household must have resources below the limit prescribed in Section 4.408.</p> <p>3) Households must also meet nonfinancial eligibility criteria set out in Section 4.300.</p>		
4.208	Removed unnecessary cross references, duplicative, and outdated references.	<p><b>CERTIFICATION PERIODS</b></p> <p>A. Certification periods shall conform to calendar months. Households shall be assigned the longest certification period possible based on the predictability of the household's anticipated income and other circumstances. At the expiration of each certification period, entitlement to Food Assistance benefits ends. Further eligibility shall only be established on a newly completed application for redetermination, an interview if one has not been completed within the last twelve months, except for households certified for twenty-four months, and verification as required by Section 4.502. Under no circumstances shall benefits be continued beyond the end of a certification period without a new determination of eligibility. The State-prescribed Notice of Action form provided to the applicant household shall indicate the period of certification if the household is determined to be eligible for benefits.</p>	<p><b>CERTIFICATION PERIODS</b></p> <p>A. Certification periods shall conform to calendar months. Households shall be assigned the longest certification period possible based on the predictability of the household's anticipated income and other circumstances. At the expiration of each certification period, entitlement to Food Assistance benefits ends. Further eligibility shall only be established on a newly completed application for redetermination. Under no circumstances shall benefits be continued beyond the end of a certification period without a new determination of eligibility. The State-prescribed Notice of Action form provided to the applicant household shall indicate the period of certification if the household is determined to be eligible for benefits.</p> <p>B. Upon approval at the time of recertification, a household need not be assigned the same certification period as formerly, but should be assigned a period of</p>	<p>The citations to other sections of the Food Assistance regulation is not necessary to understand the context of this citation.</p> <p>Removed references to Change Reporting, which is no longer a reporting category as all Food Assistance households are Simplified</p>	



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		<p>B. The eligibility worker shall use the guidelines given in Section 4.208.1 in determining the appropriate period of eligibility. Upon approval at the time of recertification, a household need not be assigned the same certification period as formerly, but should be assigned a period of time based on a new review of the household's circumstances.</p> <p>C. Certification periods may not be shortened for households unless the agency receives verified information prior to certification that the household will become ineligible for Food Assistance benefits during the certification period.</p> <p>D. At the time of certification, the local office shall notify the household of what changes the household is required to report during the certification period. The household shall also be notified that those changes which are required to be reported during the certification period as specified in Section 4.603 must be reported to the local office no later than the tenth (10th) of the month following the month in which the change occurred. A household shall report changes in person, by phone, mail, fax, or other electronic device.</p> <p>E. A delinquent PA redetermination shall not delay the Food Assistance recertification beyond the date of the household's Food Assistance certification period ending date. The household must be sent a Notice of Expiration form in accordance with Section 4.209.</p>	<p>time based on a new review of the household's circumstances.</p> <p>C. A delinquent PA redetermination shall not delay the Food Assistance recertification beyond the date of the household's Food Assistance certification period ending date.</p>	<p>Reporting. Information on what is required to be reported is in 4.603.</p>	
4.208.1	Removed duplicative and outdated references.	<p><b>Certification Period Guidelines [Rev. eff. 4/1/16]</b></p> <p>Households will be assigned a three six (6)-month or twenty-four (24) month certification period as follows:</p> <p>A. Twenty-Four (24) Month Certification Period</p> <p>1. A twenty-four month certification period</p>	<p><b>Certification Period Guidelines [Rev. eff. 4/1/16]</b></p> <p>Households will be assigned a six (6)-month or twenty-four (24) month certification period as follows:</p> <p>A. Twenty-Four (24) Month Certification Period</p> <p>1. A twenty-four month certification period shall</p>	<p>There are no longer three month certification periods.</p> <p>The reporting</p>	

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		<p>shall be assigned to households that contain only members who are elderly and/or have a disability and have no earned income, as defined in Section 4.403 at the time of certification.</p> <p>2. Households certified with a twenty-four month certification period are considered a simplified reporting household and, as such, are required to report changes in accordance with Section 4.603.</p> <p>3. Households that are assigned a twenty-four month certification period must complete a periodic report form at the twelfth (12th) month interval to report any changes that have occurred or to report that no changes have occurred since the most recent certification. The form shall be returned or the case will be closed following the notice of adverse action period. The notice will state the reason for ending the certification period and that the certification period will end following the adverse action period.</p> <p><b>B. Six (6) Month Certification Period</b></p> <p>1. A household not assigned a twenty-four month certification period as outlined in subsection A of this section shall be assigned a six month certification period.</p> <p>2. Households assigned a six month certification period are considered a simplified reporting household and, as such, are required to report changes in accordance with Section 4.603.</p>	<p>be assigned to households that contain only members who are elderly and/or have a disability and have no earned income, as defined in Section 4.403 at the time of certification.</p> <p>2. Households that are assigned a twenty-four month certification period must complete a periodic report form at the twelfth (12th) month interval to report any changes that have occurred or to report that no changes have occurred since the most recent certification. The form shall be returned or the case will be closed following the notice of adverse action period. The notice will state the reason for ending the certification period and that the certification period will end following the adverse action period.</p> <p><b>B. Six (6) Month Certification Period</b></p> <p>1. A household not assigned a twenty-four month certification period as outlined in subsection A of this section shall be assigned a six month certification period.</p>	<p>requirements of Simplified Reporting are contained in 4.603.</p>	
4.209	Removed duplicative and	<b>RECERTIFICATION PROCESS REQUIREMENTS</b>	<b>RECERTIFICATION PROCESS REQUIREMENTS</b>	The information needed on the	

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	<p>outdated references and added clarifying language to better align with federal regulation.</p>	<p>A. In order to enable timely receipt of an application for recertification, the local office shall provide each household with a notice that its certification is about to expire. Benefits will not be continued beyond the end of the certification period unless the household is recertified.</p> <p>A notice of expiration, as prescribed by the State Department, shall be used by offices to advise households that their certification period is ending and that a new application must be filed. The notice of expiration form shall contain at a minimum:</p> <ol style="list-style-type: none"> <li>1. The ending date of the current certification and the consequences of failing to comply with the notice of expiration;</li> <li>2. The telephone number the household must call to schedule an interview;</li> <li>3. The office location;</li> <li>4. Notice that the household must attend any scheduled interview on or after the date the application is timely filed;</li> <li>5. The date the application must be received by the local office in order to avoid a break in the normal issuance cycle;</li> <li>6. Notice that the household is responsible for:               <ol style="list-style-type: none"> <li>a. Completing the processing steps of the interview;</li> <li>b. Rescheduling any missed interview; and,</li> </ol> </li> </ol>	<p>A. In order to enable timely receipt of an application for recertification, the local office shall provide each household with a notice that its certification is about to expire. Benefits will not be continued beyond the end of the certification period unless the household is recertified.</p> <p>A notice of expiration, as prescribed by the State Department, shall be used by offices to advise households that their certification period is ending and that a new application must be filed.</p> <p>B. A household shall receive the notice of expiration not less than thirty (30) calendar days and not more than sixty (60) calendar days prior to expiration of its current certification period. If mailed, the notice shall be sent for the same timely receipt, allowing two (2) extra days for delivery delay.</p> <p>All households that file on or before the fifteenth (15th) of the last month of their certification period will have timely reapplied. Notices which are mailed must specify a date that allows at least two (2) days mail time and still gives the household fifteen (15) calendar days to respond. Households that submit an application for recertification by the date specified on their notice of expiration shall be considered to have timely reapplied to prevent an interruption in Food Assistance benefits.</p> <p>C. The local office shall conduct an interview with an adult member of the household or its authorized representative a minimum of once every twelve (12) months for households certified for six (6) months or less. The local office may choose not to interview the household at each recertification provided the household has completed an interview within the previous twelve (12) months.</p> <p>The local office shall schedule the interview so that the</p>	<p>Notice of Expiration is included in federal regulation. The Notice is prescribed by the State Department so the federal requirement is sufficient.</p> <p>An individual waiver of a face to face interview is no longer required.</p> <p>A Notice of Missed interview is required but the ability to include the denial notice with the Notice of missed interview is optional.</p> <p>The citation to another section of the Food Assistance regulation is not necessary to understand the context of this citation.</p>	

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		<p>c. Providing all required verification in order to receive uninterrupted benefits.</p> <p>7. That the household has ten (10) calendar days to submit missing verification after such verification is requested;</p> <p>8. The right to request an application and have the application accepted as long as it is signed by a responsible household member or authorized representative and contains a legible name and address;</p> <p>9. The household's right to file the application by mail, through an authorized representative, electronically, by facsimile, or in person;</p> <p>10. A statement of the household's right to request a fair hearing; and,</p> <p>A statement that SSI households may reapply at the Social Security office instead of the local office.</p> <p>B. A household unable to come into the certification office shall be advised of options available, such as the use of an authorized representative or mailing of an application with subsequent telephone interview or home certification. In the case of a household consisting entirely of SSI participants, a face-to-face interview shall be waived in accordance with Section 4.204.1.</p> <p>C. A household shall receive the notice of expiration not less than thirty (30) calendar days and not more than sixty (60) calendar days prior to expiration of its current certification period. If mailed, the notice shall</p>	<p>household has at least ten (10) calendar days to provide verification before the certification period ends. If an interview is required and the household fails to attend the scheduled interview, the local office must mail the household a notice of missed interview and may include a notice of denial at the same time.</p> <p>The local office may schedule an interview prior to the last month of the certification period or prior to the date the application is timely filed, but the household cannot be denied for failing or refusing to appear for such an interview. Rather, the local office shall send notice to the household in order to reschedule an appointment for an interview on or after the date the application is timely filed.</p> <p>D. The recertification process must elicit from the household sufficient information that, when combined with information in the case record, will ensure an accurate determination of eligibility. The local office shall provide the household with a notice of required verification and the date by which the verification must be provided.</p>		

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		<p>be sent for the same timely receipt, allowing two (2) extra days for delivery delay.</p> <p>All households that file on or before the fifteenth (15th) of the last month of their certification period will have timely reapplied. Notices which are mailed must specify a date that allows at least two (2) days mail time and still gives the household fifteen (15) calendar days to respond. Households that submit an application for recertification by the date specified on their notice of expiration shall be considered to have timely reapplied to prevent an interruption in Food Assistance benefits.</p> <p>D. The local office shall conduct an interview with an adult member of the household or its authorized representative a minimum of once every twelve (12) months for households certified for six (6) months or less. The local office may choose not to interview the household at each recertification provided the household has completed an interview within the previous twelve (12) months.</p> <p>The local office shall schedule the interview so that the household has at least ten (10) calendar days to provide verification before the certification period ends. If an interview is required and the household fails to attend the scheduled interview, the local office can mail the household a notice of missed interview and a notice of denial at the same time.</p> <p>The local office may schedule an interview prior to the last month of the certification period or prior to the date the application is timely filed, but the household cannot be denied for failing or refusing to appear for such an interview. Rather, the local office shall send notice to the household in order to reschedule an appointment for an interview on or after the date the application is timely filed.</p>			

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		E. The recertification process must elicit from the household sufficient information that, when combined with information in the case record, will ensure an accurate determination of eligibility. Information from the household shall be verified in accordance with Section 4.500. The local office shall provide the household with a notice of required verification and the date by which the verification must be provided.			
4.209.11	Duplicative reference.	<p><b>SSI and Food Assistance Joint Processing</b></p> <p>SSI/Food Assistance jointly-processed households which have received a Food Assistance Notice of Expiration shall be entitled to make a timely application for Food Assistance recertification at the SSA office as specified below:</p> <p>A. In SSA offices where Section 4.202.33 is in effect, the outstationed worker shall accept the application and interview the participant, and the local office shall process the application.</p> <p>B. In SSA offices where Section 4.202.33 is not in effect, SSA shall accept the application of a pure SSI household and forward the completed application and any available verification to the designated local office. Where SSA accepts and refers the application in such situations, the household shall not be required to appear at a second office interview, although the local office may contact the client to clarify any questionable information if necessary.</p>		Applications submitted to SSA information is contained in 4.202.3.	
4.301	Removed duplicative and outdated references and added clarifying language to better align with federal regulation.	<p><b>IDENTITY OF APPLICANT</b></p> <p>The identity of the person submitting an application shall be verified. When an authorized representative applies on behalf of a household, the identity of both the authorized representative and the head of household shall be verified. Identity shall also be verified as a condition of expedited service (see</p>	<p><b>IDENTITY OF APPLICANT</b></p> <p>The identity of the person submitting an application shall be verified either through interfaces, collateral contact, or client provided verification. When an authorized representative applies on behalf of a household, the identity of both the authorized representative and the head of household shall be verified.</p>	<p>Clarified in citation how identity can be verified.</p> <p>The citation to another section of the Food</p>	

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		Section 4.502, A, 1). See Section 4.505.1 for acceptable sources of identity verification.		Assistance regulation is not necessary to understand the context of this citation.	
4.302(A)	Removed unnecessary cross references and duplicative references.	<p><b>SOCIAL SECURITY NUMBER REQUIREMENT</b></p> <p>General Requirements</p> <p>1. As a condition of Food Assistance eligibility, each member of a household participating in or applying for participation in the Food Assistance Program shall provide a Social Security Number (SSN), or proof that an application for a Social Security Number has been submitted to the Social Security Administration. The local office shall not require any household member to submit a Social Security card or other official documents as a means of verifying a Social Security Number. Household members who provide a SSN shall not be denied benefits for failure or inability to present a Social Security card or other official documentation. If individuals have more than one Social Security Number, all numbers shall be required.</p> <p>2. The local office shall explain that a member is not required to provide a Social Security Number (SSN), but the failure to provide one shall result in disqualification of the individual(s) for whom the number is not provided. The member who does not provide a SSN shall still be required to provide other eligibility information such as income and resources that will affect eligibility of other members. The local office shall advise individuals that any SSN that is provided voluntarily will be used in the same manner as SSNs of eligible household members. The SSNs will be matched against federal and state databases to verify information. SSNs will be used for the initial application matching for duplicate participation.</p>	<p><b>SOCIAL SECURITY NUMBER REQUIREMENT</b></p> <p>General Requirements</p> <p>1. As a condition of Food Assistance eligibility, each member of a household participating in or applying for participation in the Food Assistance Program shall provide a Social Security Number (SSN), or proof that an application for a Social Security Number has been submitted to the Social Security Administration. The local office shall not require any household member to submit a Social Security card or other official documents as a means of verifying a Social Security Number. Household members who provide a SSN shall not be denied benefits for failure or inability to present a Social Security card or other official documentation. If individuals have more than one Social Security Number, all numbers shall be required.</p> <p>2. The local office shall explain that a member is not required to provide a Social Security Number (SSN), but the failure to provide one shall result in disqualification of the individual(s) for whom the number is not provided. The member who does not provide a SSN shall still be required to provide other eligibility information such as income and resources that will affect eligibility of other members. The local office shall advise individuals that any SSN that is provided voluntarily will be used in the same manner as SSNs of eligible household members. The SSNs will be matched against federal and state databases to verify information. SSNs will be used for the initial application matching for duplicate participation.</p>	<p>Information on Social Security Numbers for newborns is in 4.302(B).</p> <p>The citation to another section of the Food Assistance regulation is not necessary to understand the context of this citation.</p>	

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		<p>3. If the household is being certified under the expedited service provisions, it shall provide a SSN or application for SSN for each person in the household, except for a newborn child, before the first (1st) full month of participation.</p> <p>4. If the household member required to provide a SSN either refuses to supply his/her SSN at the time of application or fails to provide the local office with a form or letter as proof of application for a SSN without good cause, he or she shall be ineligible to participate in the Food Assistance Program. The disqualification applies to the individual(s) who refused to cooperate with the application process to obtain the SSN and not the entire household. See Section 4.411.1 for how income and resources of the disqualified individual are counted toward the household. The household member(s) disqualified may become eligible by providing the local office with a Social Security Number, or by providing verification that that an application for a SSN has been submitted to the SSA.</p>	<p>3. If the household member required to provide a SSN either refuses to supply his/her SSN at the time of application or fails to provide the local office with a form or letter as proof of application for a SSN without good cause, he or she shall be ineligible to participate in the Food Assistance Program. The disqualification applies to the individual(s) who refused to cooperate with the application process to obtain the SSN and not the entire household. The household member(s) disqualified may become eligible by providing the local office with a Social Security Number, or by providing verification that an application for a SSN has been submitted to the SSA.</p>		
4.302(B)	Grammar correction.	<p>B. Individuals and Newborns Without a Social Security Number</p> <p>1. Those household members who do not have the required Social Security Number(s) shall obtain proof of application for a SSN prior to being certified as a member of the household, unless the member is a newborn child. The applicant/recipient shall be instructed to obtain from the SSA proof that he or she has completed an application for a Social Security Number and that the SSA has received that application. A specifically addressed letter from the SSA verifying that application for a SSN has been made is also acceptable proof of application for a Social Security Number. The applicant/recipient shall be instructed to return the completed form as soon as possible to the eligibility worker. A copy of the form</p>	<p>B. Individuals and Newborns Without a Social Security Number</p> <p>1. Those household members who do not have the required Social Security Number(s) shall obtain proof of application for a SSN prior to being certified as a member of the household, unless the member is a newborn child. The applicant/recipient shall be instructed to obtain from the SSA proof that he or she has completed an application for a Social Security Number and that the SSA has received that application. A specifically addressed letter from the SSA verifying that application for a SSN has been made is also acceptable proof of application for a Social Security Number. The applicant/recipient shall be instructed to return the completed form as soon as possible to the eligibility worker. A copy of the form shall be maintained in the</p>	Paragraph (B)(1)(b) members are required was missing "are".	



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		<p>shall be maintained in the case record.</p> <p>a. If the household is unable to provide proof of application for an SSN for a newborn, the household shall provide the SSN or proof of application at its next recertification within six (6) months following the baby's birth. The local office shall determine if the good cause provisions are applicable at the recertification.</p> <p>b. If a participating household's benefits are reduced or terminated within the certification period because one or more of its members required to provide a SSN is disqualified for failure to meet the SSN requirement, the local office shall issue a Notice of Adverse Action form. The notice shall inform the household that the non-cooperating individual(s) without a SSN is being disqualified, and show the current eligibility and benefit level of the remaining members, as well as a statement that the disqualified member(s) may end disqualification by providing a Social Security number.</p>	<p>case record.</p> <p>a. If the household is unable to provide proof of application for an SSN for a newborn, the household shall provide the SSN or proof of application at its next recertification within six (6) months following the baby's birth. The local office shall determine if the good cause provisions are applicable at the recertification.</p> <p>b. If a participating household's benefits are reduced or terminated within the certification period because one or more of its members are required to provide a SSN is disqualified for failure to meet the SSN requirement, the local office shall issue a Notice of Adverse Action form. The notice shall inform the household that the non-cooperating individual(s) without a SSN is being disqualified, and show the current eligibility and benefit level of the remaining members, as well as a statement that the disqualified member(s) may end disqualification by providing a Social Security number.</p>		
4.302(D)	Removed unnecessary cross reference.	<p>D. Verification</p> <p>See Section 4.505.2 regarding how to verify a SSN.</p>		The citation to another section of the Food Assistance regulation is not necessary to understand the context of this citation.	
4.303	Removed unnecessary cross references.	<p><b>RESIDENCY REQUIREMENT</b></p> <p>A. Applicants shall live in the county or district in which they make application for the Program unless the local office has made arrangements to allow</p>	<p><b>RESIDENCY REQUIREMENT</b></p> <p>A. Applicants shall live in the county or district in which they make application for the Program unless the local office has made arrangements to allow particular</p>	The citations to other sections of the Food Assistance regulation are	

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		<p>particular households to file an application in a nearby specified county/district office.</p> <p>B. Individuals may not participate in more than one household in any one (1) month unless they are a resident of a shelter for battered women and children, nor may a household participate in more than one (1) county or district in any month unless all household members are residents of a shelter for battered women and children.</p> <p>Households on Indian reservations participating in the Commodity Food Distribution Program for a particular period shall not be allowed to participate in the Food Assistance Program during the same period. Participation shall be limited to participation in the Commodity Program or the Food Assistance Program.</p> <p>C. Applicants who maintain a residence in the county or district for any purpose other than a vacation, regardless of the length of time they have resided in the county or district, shall be considered eligible for the Program, provided other eligibility requirements are met.</p> <p>D. Applicants who reside in a county, without residing in a permanent dwelling nor having a fixed mailing address, shall be considered eligible for the Program, provided other eligibility requirements are met. Migrant campsites satisfy the residency requirement, as do shelters for the homeless. Homeless persons as defined in Section 4.304.41 satisfy the residency requirement as long as dual participation in any month of eligibility is not allowed.</p> <p>E. In no instance shall there be a durational residency requirement imposed upon the applicant. Intent to permanently remain in the state shall not be a condition of eligibility.</p>	<p>households to file an application in a nearby specified county/district office.</p> <p>B. Individuals may not participate in more than one household in any one (1) month unless they are a resident of a shelter for battered women and children, nor may a household participate in more than one (1) county or district in any month unless all household members are residents of a shelter for battered women and children.</p> <p>Households on Indian reservations participating in the Commodity Food Distribution Program for a particular period shall not be allowed to participate in the Food Assistance Program during the same period. Participation shall be limited to participation in the Commodity Program or the Food Assistance Program.</p> <p>C. Applicants who maintain a residence in the county or district for any purpose other than a vacation, regardless of the length of time they have resided in the county or district, shall be considered eligible for the Program, provided other eligibility requirements are met.</p> <p>D. Applicants who reside in a county, without residing in a permanent dwelling nor having a fixed mailing address, shall be considered eligible for the Program, provided other eligibility requirements are met. Migrant campsites satisfy the residency requirement, as do shelters for the homeless. Homeless persons satisfy the residency requirement as long as dual participation in any month of eligibility is not allowed.</p> <p>E. In no instance shall there be a durational residency requirement imposed upon the applicant. Intent to permanently remain in the state shall not be a condition of eligibility.</p> <p>F. The application contains spaces for both a</p>	<p>not necessary to understand the context of this citation.</p>	

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		<p>F. The application contains spaces for both a physical address and a mailing address. If the household has a mailing address that is different than the household's physical address, the certification worker should ensure that both addresses are given. For households residing in a permanent dwelling, a mailing address only, such as post office box or rural route, will not be sufficient, as it does not indicate the household resides in the county. In such cases, information should be given that can identify the location of the home. An exception to the requirement for physical location may be granted for residents of shelters for battered women and children and those that lack a permanent dwelling.</p> <p>E. See Section 4.803.3 for the disqualification penalties that can be imposed upon an individual for misrepresenting his/her identity and/or residency to receive duplicate benefits.</p>	<p>physical address and a mailing address. If the household has a mailing address that is different than the household's physical address, the certification worker should ensure that both addresses are given. For households residing in a permanent dwelling, a mailing address only, such as post office box or rural route, will not be sufficient, as it does not indicate the household resides in the county. In such cases, information should be given that can identify the location of the home. An exception to the requirement for physical location may be granted for residents of shelters for battered women and children and those that lack a permanent dwelling.</p>		
4.304.2	Removed unnecessary cross references.	<p>Shared Living Arrangements</p> <p>A. In instances when two (2) households request Food Assistance for the same child, the child shall be considered a member of the household that provides the majority of the child's monthly meals.</p> <p>If only one (1) household is applying for or requesting Food Assistance benefits for a child, then determining a majority of meals shall not be a factor when determining household composition.</p> <p>B. If two (2) households request assistance for the same child and both households provide an equal number of meals to the child, and the households cannot agree on who should receive Food Assistance benefits for the child for the duration of the certification period, then the household that applies for Food Assistance benefits for the child first shall be able to</p>	<p>Shared Living Arrangements</p> <p>A. In instances when two (2) households request Food Assistance for the same child, the child shall be considered a member of the household that provides the majority of the child's monthly meals.</p> <p>If only one (1) household is applying for or requesting Food Assistance benefits for a child, then determining a majority of meals shall not be a factor when determining household composition.</p> <p>B. If two (2) households request assistance for the same child and both households provide an equal number of meals to the child, and the households cannot agree on who should receive Food Assistance benefits for the child for the duration of the certification period, then the household that applies for Food Assistance benefits for the child first shall be able to receive benefits</p>	<p>The citations to other sections of the Food Assistance regulation are not necessary to understand the context of this citation.</p>	

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		<p>receive benefits for the child.</p> <p>C. In instances when an applicant or ongoing household requests benefits for a child who is already receiving Food Assistance in another household, the household who provides the child with the majority of meals shall be eligible to receive benefits for the child (see Section 4.505.4).</p> <p>D. Changes in household composition shall be handled in accordance with Section 4.604.</p>	<p>for the child.</p> <p>C. In instances when an applicant or ongoing household requests benefits for a child who is already receiving Food Assistance in another household, the household who provides the child with the majority of meals shall be eligible to receive benefits for the child.</p>		
4.304.3(D)	Removed language to match federal regulation.	<p>D. Boarders</p> <p>Individuals residing with others and paying reasonable compensation to others for lodging and meals. Boarders are not eligible to participate in the Food Assistance Program as a separate household.</p> <p>1. Boarders shall not be considered members of a participant or applicant household, unless the household requests that they be considered as members. If the boarder is not considered a household member, the income and resources of the boarder shall not be considered available to the household. However, the amount of payment that a boarder gives to a household for lodging and meals shall be treated as self-employment income to the household. If the household requests that the boarder be considered a household member, the boarder's income and resources shall be considered available to the household.</p> <p>2. Individuals for whom foster care payments are intended are to be treated as boarders. If the household requests to include those individuals as household members, the foster care payments received by the household will be included as unearned income.</p>	<p>D. Boarders</p> <p>Individuals residing with others and paying reasonable compensation to others for lodging and meals. Boarders are not eligible to participate in the Food Assistance Program as a separate household.</p> <p>1. Boarders shall not be considered members of a participant or applicant household, unless the household requests that they be considered as members. If the boarder is not considered a household member, the income and resources of the boarder shall not be considered available to the household. However, the amount of payment that a boarder gives to a household for lodging and meals shall be treated as self-employment income to the household. If the household requests that the boarder be considered a household member, the boarder's income and resources shall be considered available to the household.</p> <p>2. Individuals for whom foster care payments are intended are to be treated as boarders. If the household requests to include those individuals as household members, the foster care payments received by the household will be included as unearned income.</p>	Removed language as it is in conflict with federal regulation.	

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		<p>If foster care payments are received and the individuals are treated as boarders, then the foster care payments shall be handled as self-employment income (see Section 4.403.2). The foster care payments will be disregarded as an expense of doing business.</p>			
4.304.41	<p>Removed citations with definitions included in the citation in order to move to definition section and removed unnecessary cross references.</p>	<p><b>Exemptions from the Boarding House and Institution Prohibitions</b></p> <p>A. An individual who is a resident of federally subsidized housing for elderly persons under Section 202 of the Housing Act of 1959 or Section 236 of the National Housing Act. A person who is elderly is defined as a member of a household who is sixty (60) years of age or older.</p> <p>B. Narcotic addicts or alcoholics and their children, who, for purposes of regular participation in a drug or alcoholic treatment and rehabilitation program, reside at a facility or treatment center (see Section 4.309.3).</p> <p>C. Residents of a public or private nonprofit group living arrangement facility, who are blind or disabled recipients who meet the definition of blind or disabled under the Food and Nutrition Act of 2008, as described below. The details for certification of a group living situation are contained in Section 4.309.4.</p> <p>1. A person who is disabled is defined as a member of a household who:</p> <p>a. Receives Supplemental Security Income benefits under Title XVI of the Social Security Act, or the Colorado Supplement, or Aid to the Needy and Disabled- Supplemental Security Income- Colorado Supplement (AND-SSI-CS), or Aid to the Blind-Supplemental Security Income-</p>	<p><b>Exemptions from the Boarding House and Institution Prohibitions</b></p> <p>A. An individual who is a resident of federally subsidized housing for elderly persons under Section 202 of the Housing Act of 1959 or Section 236 of the National Housing Act. A person who is elderly is defined as a member of a household who is sixty (60) years of age or older.</p> <p>B. Narcotic addicts or alcoholics and their children, who, for purposes of regular participation in a drug or alcoholic treatment and rehabilitation program, reside at a facility or treatment center.</p> <p>C. Residents of a public or private nonprofit group living arrangement facility, who are blind or disabled.</p> <p>D. Women or women and their children who are temporarily residing in a public or private nonprofit shelter for battered women and children.</p> <p>E. Residents of public or private nonprofit shelters for homeless persons.</p>	<p>Definition of disabled and homeless are in the definition section.</p> <p>Verification information in separate section and is inherently discussed in definition of disability.</p> <p>The citations to other sections of the Food Assistance regulation are not necessary to understand the context of this citation.</p>	

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		<p>Colorado Supplement (AB-SSI-CS); or disability or blindness payments under Title I, II, X, or IXV of the Social Security Act;</p> <p>b. Is a veteran with a service-connected disability rated or paid as a total disability under Title 38 of the United States Code or is a veteran receiving a pension for a non-service connected disability;</p> <p>c. Is a veteran considered by the VA to be in need of regular aid and attendance or permanently housebound under Title 38 of the Code;</p> <p>d. Is a surviving spouse of a veteran and considered in need of aid and attendance or permanently housebound or a surviving child of a veteran and considered by the VA to be permanently incapable of self-support under Title 38 of the United States Code;</p> <p>e. Is a surviving spouse or child of a veteran and considered by the VA to be entitled to compensation for a service-connected death or pension benefits for a non-service-connected death under Title 38 of the United States Code and has a disability considered permanent under Section 221(i) of the Social Security Act. "Entitled", as used in this definition, refers to those veterans' surviving spouses and children who are receiving the compensation or benefits or have been approved for such benefits but are not receiving them.</p> <p>f. Is a person who has a disability considered permanent under Section 221(i)</p>			

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		<p>of the Social Security Act (SSA) and receives a federal, state, or local public disability retirement pension;</p> <p>g. Is a person who receives an annuity for disability from the Railroad Retirement Board who is considered disabled by the SSA or who qualifies for Medicare as determined by the Railroad Retirement Board;</p> <p>h. Is a recipient of interim assistance benefits pending the receipt of the Supplemental Security Income (SSI), disability-related medical assistance under the Title XIX of the Social Security Act, or disability-based state assistance benefits provided that the eligibility to receive these benefits is based on disability or blindness criteria which are at least as stringent as those used under Title XVI of the Social Security Act.</p> <p>2. Verification</p> <p>a. For Item 1, a, above, the household shall provide proof that the person with a disability is receiving benefits under Title I, II, X, XIV, or XVI of the Social Security Act.</p> <p>b. For Item 1, b, above, the household shall provide a statement from the VA that the disability is rated or paid as total.</p> <p>c. For Items 1, c and d, above, proof of receipt of VA Disability Benefits is sufficient verification.</p> <p>d. For Items 1, e and f, above, unless</p>			

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		<p>the disability is obvious to the agency (based upon SSA's current list of disabilities considered permanent), a statement from a physician or a licensed certified psychologist is required stating such a basis.</p> <p>e. For Item 1, g, above, the household shall provide proof that the individual receives a disability annuity from the Railroad Retirement Board and has been determined to qualify for Medicare.</p> <p>f. For Item 1, h, above, the household shall provide proof that the individual receives interim assistance benefits pending the receipt of SSI or disability- related medical assistance under Title XIX of the Social Security Act or disability- based state general assistance benefits (AND or AB). The local office shall verify that the eligibility to receive the state general assistance, interim assistance, or medical assistance benefits is based on disability or blindness criteria which are at least as stringent as those used under Title XVI of the Social Security Act, as amended, (codified at 42 USC 1381-1383f). The Act(s) do not include any later amendments to or editions of the incorporated material. Copies of federal laws are available for inspection during normal working hours by contacting: Director, Food Assistance Programs Division, Colorado Department of Human Services, 1575 Sherman Street, Denver, CO 80203; or a state publications depository.</p> <p>D. Women or women and their children who are temporarily residing in a public or private nonprofit shelter for battered women and children. (see Section</p>			



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		<p>4.309.2.)</p> <p>E. Residents of public or private nonprofit shelters for homeless persons.</p> <p>A homeless individual is an individual who lacks a fixed and regular nighttime residence or an individual whose primary nighttime residence is:</p> <ol style="list-style-type: none"> <li>1. A supervised shelter which provides temporary accommodations; or,</li> <li>2. A temporary residence for individuals intended to be institutionalized; or,</li> <li>3. A temporary accommodation in the residence of another individual; the household will only be considered homeless if the accommodation is no more than ninety (90) days; or,</li> <li>4. A place not designed for, or ordinarily used, as a regular sleeping accommodation for human beings.</li> </ol>			
4.305.2(D)(6)	Removed unnecessary cross reference.	<p>D. Calculating Sponsor Income</p> <p>6. Total resources of the sponsor and the sponsor's spouse shall be considered as resources to the non-citizen reduced by one thousand five hundred dollars (\$1,500). See Section 4.206 "Categories of Eligibility" regarding which households are subject to a resource limit.</p>	<p>D. Calculating Sponsor Income</p> <p>6. Total resources of the sponsor and the sponsor's spouse shall be considered as resources to the non-citizen reduced by one thousand five hundred dollars (\$1,500).</p>	The citation to another section of the Food Assistance regulation is not necessary to understand the context of this citation.	
4.305.2(F)	Removed unnecessary cross reference.	<p>F. Verification Requirements</p> <p>The local office shall verify the following information at the time of initial application and recertification:</p> <ol style="list-style-type: none"> <li>1. The income and resources of the non-</li> </ol>	<p>F. Verification Requirements</p> <p>The local office shall verify the following information at the time of initial application and recertification:</p> <ol style="list-style-type: none"> <li>1. The income and resources of the non-citizen's</li> </ol>	The citation to another section of the Food Assistance regulation is not necessary to	

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		<p>citizen's sponsor and the sponsor's spouse (if the spouse is living with the sponsor) at the time of the non-citizen's application for Food Assistance.</p> <p>2. The names (and alien registration numbers) of other non-citizens for whom the sponsor has signed an affidavit of support or similar agreement.</p> <p>3. The number of dependents who are eligible to be claimed for federal income tax purposes by the sponsor and the sponsor's spouse.</p> <p>4. The name, address, and phone number of the non-citizen's sponsor.</p> <p>5. Any other information that is determined to be questionable and which affects household eligibility and benefit level shall be verified in accordance with Section 4.500.</p>	<p>sponsor and the sponsor's spouse (if the spouse is living with the sponsor) at the time of the non-citizen's application for Food Assistance.</p> <p>2. The names (and alien registration numbers) of other non-citizens for whom the sponsor has signed an affidavit of support or similar agreement.</p> <p>3. The number of dependents who are eligible to be claimed for federal income tax purposes by the sponsor and the sponsor's spouse.</p> <p>4. The name, address, and phone number of the non-citizen's sponsor.</p>	understand the context of this citation.	
4.306(A)	Removed citation with definitions included in the citation in order to move to definition section.	<p><b>Student Eligibility</b></p> <p>A. Any person who is age eighteen (18) through forty-nine (49), physically and mentally fit, and enrolled at least half time in an institution of higher education shall not be eligible to participate in the Food Assistance Program unless the person meets at least one of the criteria listed in Section 4.306.1.</p> <p>Institutions of higher education are defined as those institutions that normally require a high school diploma or equivalency certificate for a student to enroll. Post-high school education includes, but is not limited to, colleges, universities, and post-high school level technical and vocational schools.</p>	<p><b>Student Eligibility</b></p> <p>A. Any person who is age eighteen (18) through forty-nine (49), physically and mentally fit, and enrolled at least half time in an institution of higher education shall not be eligible to participate in the Food Assistance Program unless the person meets at least one of the criteria listed below.</p>	Institutions of higher education is defined in definitions.	
4.307	Duplicative reference.	<p><b>STRIKER ELIGIBILITY</b></p> <p>A. Households containing a striking member shall not be eligible for Food Assistance unless the household was eligible for the Program the day before the strike</p>	<p><b>STRIKER ELIGIBILITY</b></p> <p>A. Households containing a striking member shall not be eligible for Food Assistance unless the household was eligible for the Program the day before the strike and are</p>	Language in D was repetitive of language in A within this same section.	

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		<p>and are otherwise eligible at time of the strike. Households where the striking member was exempt from work registration the day before the strike shall not be subject to these provisions and shall be certified if otherwise eligible, unless the exemption was based on the employment.</p> <p>B. Pre-strike eligibility is determined by considering the day prior to the strike as the day of application and assuming the strike was not occurring. Eligibility at the time of application shall be determined by comparing the striking member's income as of the day before the strike to the striking member's current income and adding the higher of the two (2) to the current income of the non-striking household members during the month of application. The higher income will be used in determining benefits.</p> <p>C. For Food Assistance purposes, a striker is anyone involved in a strike or other concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees. Individuals will be deemed participants in a strike whether or not they personally voted for the strike.</p> <p>D. Households containing a striking member shall not be eligible for Food Assistance unless the household was eligible for the Program the day prior to the strike, and is otherwise eligible at the time of application.</p>	<p>otherwise eligible at time of the strike. Households where the striking member was exempt from work registration the day before the strike shall not be subject to these provisions and shall be certified if otherwise eligible, unless the exemption was based on the employment.</p> <p>B. Pre-strike eligibility is determined by considering the day prior to the strike as the day of application and assuming the strike was not occurring. Eligibility at the time of application shall be determined by comparing the striking member's income as of the day before the strike to the striking member's current income and adding the higher of the two (2) to the current income of the non-striking household members during the month of application. The higher income will be used in determining benefits.</p> <p>C. For Food Assistance purposes, a striker is anyone involved in a strike or other concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees. Individuals will be deemed participants in a strike whether or not they personally voted for the strike.</p>		
4.308 (B-E)	Removed unnecessary cross references.	<p><b>VOLUNTARY QUIT</b></p> <p>B. When a household files an application, or when a participating household reports the loss of a source of income or reduction in hours, the local office shall determine whether any household member voluntarily quit or reduced his or her hours or income. Benefits</p>	<p><b>VOLUNTARY QUIT</b></p> <p>B. When a household files an application, or when a participating household reports the loss of a source of income or reduction in hours, the local office shall determine whether any household member voluntarily quit or reduced his or her hours or income. Benefits shall</p>	The citations to other sections of the Food Assistance regulation are not necessary to understand the	

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		<p>shall not be delayed beyond the processing standards as specified in Section 4.205.2 pending the outcome of this determination. A sanction shall be imposed if the quit or reduction in hours or wages occurred within sixty (60) calendar days prior to the date of application or anytime thereafter, and the quit or reduction was without good cause. An employee of the federal government, or of a state or local government who participates in a strike against such government, and is dismissed from his or her job because of participation in the strike, shall be considered to have voluntarily quit his or her job without good cause. If an individual quits a job, secures new employment at comparable wages or hours, and, through no fault of his or her own loses the new job, the earlier quit shall not be a basis for disqualification.</p> <p>C. In the case of an applicant household, the local office shall determine whether any currently unemployed household member who is required to register for work or was exempt from registration for being employed has voluntarily quit his or her most recent job within the last sixty (60) days. If the local office learns that a household has lost a source of income after the date of application but before the household is certified, the local office shall determine whether a voluntary quit occurred.</p> <p>The nonexempt individual who quit or reduced work hours will be ineligible to participate for the sanction period if the household is determined eligible for the Food Assistance Program. The individual will be required to comply with Employment First following the sanction period unless the individual becomes exempt from work requirements.</p> <p>D. In the case of the participating household, the local office shall determine whether any household member voluntarily quit his or her job while participating in the</p>	<p>not be delayed pending the outcome of this determination. A sanction shall be imposed if the quit or reduction in hours or wages occurred within sixty (60) calendar days prior to the date of application or anytime thereafter, and the quit or reduction was without good cause. An employee of the federal government, or of a state or local government who participates in a strike against such government, and is dismissed from his or her job because of participation in the strike, shall be considered to have voluntarily quit his or her job without good cause. If an individual quits a job, secures new employment at comparable wages or hours, and, through no fault of his or her own loses the new job, the earlier quit shall not be a basis for disqualification.</p> <p>C. In the case of an applicant household, the local office shall determine whether any currently unemployed household member who is required to register for work or was exempt from registration for being employed has voluntarily quit his or her most recent job within the last sixty (60) days. If the local office learns that a household has lost a source of income after the date of application but before the household is certified, the local office shall determine whether a voluntary quit occurred.</p> <p>The nonexempt individual who quit or reduced work hours will be ineligible to participate for the sanction period if the household is determined eligible for the Food Assistance Program. The individual will be required to comply with Employment First following the sanction period unless the individual becomes exempt from work requirements.</p> <p>D. In the case of the participating household, the local office shall determine whether any household member voluntarily quit his or her job while participating in the Program. If a household is already participating when a quit that occurred prior to certification is discovered, the household shall be regarded as a participating</p>	<p>context of this citation.</p>	

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		<p>Program. If a household is already participating when a quit that occurred prior to certification is discovered, the household shall be regarded as a participating household.</p> <p>E. Upon a determination that the individual voluntarily quit employment, reduced work hours below thirty (30) hours, or reduced wages to the point at which the person is earning less than the federal minimum wage multiplied by thirty (30) hours, the local office shall determine if the voluntary quit was with good cause.</p> <p>If an individual voluntarily quits or reduces work hours/wages without good cause, the individual will be disqualified in the same manner as individuals failing to comply with work registration or Employment First requirements (See Section 4.310.6).</p>	<p>household.</p> <p>E. Upon a determination that the individual voluntarily quit employment, reduced work hours below thirty (30) hours, or reduced wages to the point at which the person is earning less than the federal minimum wage multiplied by thirty (30) hours, the local office shall determine if the voluntary quit was with good cause.</p> <p>If an individual voluntarily quits or reduces work hours/wages without good cause, the individual will be disqualified in the same manner as individuals failing to comply with work registration or Employment First requirements</p>		
4.308.1	Added language to align with federal regulation.	<p><b>Good Cause for Quitting or Reducing Work Hours</b></p> <p>Upon a determination that the individual voluntarily quit employment, the local office shall determine if there was good cause which shall include, but not be limited to, any of the following:</p> <p>A. Discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, national origin, or political beliefs;</p> <p>B. Work demands or conditions that render continued employment unreasonable such as working without being paid on schedule;</p> <p>C. Acceptance by the individual of employment; or enrollment of at least half-time in any recognized school, training program, or institution of higher education, that requires the individual to leave employment;</p>	<p><b>Good Cause for Quitting or Reducing Work Hours</b></p> <p>Upon a determination that the individual voluntarily quit employment, the local office shall determine if there was good cause which shall include, but not be limited to, any of the following:</p> <p>A. Discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, national origin, or political beliefs;</p> <p>B. Work demands or conditions that render continued employment unreasonable such as working without being paid on schedule;</p> <p>C. Acceptance by the individual of employment; or enrollment of at least half-time in any recognized school, training program, or institution of higher education, that requires the individual to leave employment;</p> <p>D. Acceptance by any other household member of</p>	Lack of adequate child care for children who have reached age 6 but are under age 12, is a federally allowed reason for quitting or reducing work hours.	

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		<p>D. Acceptance by any other household member of employment or enrollment at least half-time in any recognized school, training program, or institution of higher education in another county or political subdivision which requires the household to move and thereby requires the individual to leave employment;</p> <p>E. Resignations by persons under the age of sixty (60) that are recognized by the employer as retirement;</p> <p>F. Resignation from employment that does not meet suitable criteria specified in Section 4.310.51;</p> <p>G. Because of circumstances beyond the control of the individual, accepted full time employment subsequently either does not materialize or results in employment of less than thirty (30) hours a week or weekly earnings of less than the federal minimum wage multiplied by thirty (30) hours;</p> <p>H. Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another, such as migrant farm labor or construction work, even though employment at the new site has not actually begun;</p> <p>I. Illness of the head of household;</p> <p>J. Illness of another household member requiring the presence of the head of household;</p> <p>K. A household emergency;</p> <p>L. The unavailability of transportation; or,</p> <p>M. Employer demands a reduction in participant's work effort or salary through no fault of the employee.</p>	<p>employment or enrollment at least half-time in any recognized school, training program, or institution of higher education in another county or political subdivision which requires the household to move and thereby requires the individual to leave employment;</p> <p>E. Resignations by persons under the age of sixty (60) that are recognized by the employer as retirement;</p> <p>F. Resignation from employment that does not meet suitable criteria specified in Section 4.310.51;</p> <p>G. Because of circumstances beyond the control of the individual, accepted full time employment subsequently either does not materialize or results in employment of less than thirty (30) hours a week or weekly earnings of less than the federal minimum wage multiplied by thirty (30) hours;</p> <p>H. Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another, such as migrant farm labor or construction work, even though employment at the new site has not actually begun;</p> <p>I. Illness of the head of household;</p> <p>J. Illness of another household member requiring the presence of the head of household;</p> <p>K. A household emergency;</p> <p>L. The unavailability of transportation; or,</p> <p>M. Employer demands a reduction in participant's work effort or salary through no fault of the employee.</p> <p>N. Lack of adequate child care for children who have reached age 6 but are under age 12.</p>		

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4.309.21	Added language to align with federal regulation.	<p><b>Residents of Shelters for Battered Women and Children</b></p> <p>Women or women with their children who are temporarily residing in a shelter for battered women and children (which serves over fifty percent (50%) of their meals) shall be considered exempt from the prohibition against residents of institutions.</p> <p>A. They shall be allowed to apply and be considered for eligibility as individual (parent/child) units, rather than considered as part of a household consisting of all shelter residents.</p> <p>B. Since leaving a shelter may pose a hazard to many of these women and children, the local office shall make provisions to interview these persons over the telephone, if the client feels it is necessary.</p> <p>C. In many instances battered women and their children who were previously certified in the household of an abuser may not have access to their allotment. Therefore, these individuals shall be allowed to participate in one (1) additional project area and/or household so long as one of the two households with which they are participating contains the individual who abused them. These persons may receive an additional allotment only once in a month.</p> <p>D. The local office should act promptly to reflect the changes in household composition and shall act on the change to reduce or terminate benefits to the applicant's former household as appropriate.</p> <p>E. Shelter residents who apply as separate households shall be certified solely on the basis of their income and resources and the expenses for which they are responsible. They shall be certified without regard to the income, resources, and/or</p>	<p><b>Residents of Shelters for Battered Women and Children</b></p> <p>Women or women with their children who are temporarily residing in a shelter for battered women and children (which serves over fifty percent (50%) of their meals) shall be considered exempt from the prohibition against residents of institutions.</p> <p>A. They shall be allowed to apply and be considered for eligibility as individual (parent/child) units, rather than considered as part of a household consisting of all shelter residents.</p> <p>B. In many instances battered women and their children who were previously certified in the household of an abuser may not have access to their allotment. Therefore, these individuals shall be allowed to participate in one (1) additional project area and/or household so long as one of the two households with which they are participating contains the individual who abused them. These persons may receive an additional allotment only once in a month.</p> <p>C. The local office should act promptly to reflect the changes in household composition and shall act on the change to reduce or terminate benefits to the applicant's former household as appropriate.</p> <p>D. Shelter residents who apply as separate households shall be certified solely on the basis of their income and resources and the expenses for which they are responsible. They shall be certified without regard to the income, resources, and/or expenses of their former household. Jointly held resources shall be considered inaccessible to the household if access to such resources is dependent upon the agreement of a joint owner who still resides in the former household.</p>	<p>Federal regulations allow states the option to have telephone interviews as the primary method of interviewing households. Colorado has selected telephone interviews as the primary method of interviewing Food Assistance households. Neither a statewide nor a household waiver is required to complete a telephone interview.</p>	

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		<p>expenses of their former household. Jointly held resources shall be considered inaccessible to the household if access to such resources is dependent upon the agreement of a joint owner who still resides in the former household.</p>			
4.309.31	Removed outdated references	<p><b>Responsibilities of the Center</b></p> <p>Drug or alcohol treatment and rehabilitation centers will be responsible for the following:</p> <p>A. The drug or alcohol treatment center employee designated to serve as an authorized representative shall be responsible for obtaining their own Electronic Benefit Transfer (EBT) card and Personal Identification Number (PIN) with which to access benefits from the resident's account while the resident remains a resident of the facility.</p> <p>The resident's EBT card shall be stored in a secure area while the resident receives treatment at the facility. The drug or alcohol treatment center shall not have access to, or knowledge of, the PIN for the resident's own EBT card.</p> <p>B. Each treatment and rehabilitation center shall provide the certification office with a certified list of currently participating residents and their children residing with them in the center. The certification office shall require the list on a monthly or semimonthly basis. In addition, the certification office shall conduct periodic, random, onsite visits to the center to ensure the accuracy of the listings and that the local office's records are consistent and up-to-date. The frequency of periodic visits is left to the discretion of the local office but once each year is recommended.</p> <p>C. The treatment center shall notify the certification office of changes in the household's</p>	<p><b>Responsibilities of the Center</b></p> <p>Drug or alcohol treatment and rehabilitation centers will be responsible for the following:</p> <p>A. The drug or alcohol treatment center employee designated to serve as an authorized representative shall be responsible for obtaining their own Electronic Benefit Transfer (EBT) card and Personal Identification Number (PIN) with which to access benefits from the resident's account while the resident remains a resident of the facility.</p> <p>The resident's EBT card shall be stored in a secure area while the resident receives treatment at the facility. The drug or alcohol treatment center shall not have access to, or knowledge of, the PIN for the resident's own EBT card.</p> <p>B. Each treatment and rehabilitation center shall provide the certification office with a certified list of currently participating residents and their children residing with them in the center. The certification office shall require the list on a monthly or semimonthly basis. In addition, the certification office shall conduct periodic, random, onsite visits to the center to ensure the accuracy of the listings and that the local office's records are consistent and up-to-date. The frequency of periodic visits is left to the discretion of the local office but once each year is recommended.</p> <p>C. The treatment center shall also report when the resident leaves the treatment center. The treatment</p>	<p>Removed references to requirements of Change Reporting, which is no longer a reporting category as all Food Assistance households are Simplified Reporting.</p>	



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		<p>circumstances in accordance with reporting requirements outlined in Section 4.603.</p> <p>D. The treatment center shall also report when the resident leaves the treatment center. The treatment center shall return to the issuing office any benefits received after the household has left the center.</p> <p>The treatment center shall provide the residents with their EBT card when the household leaves the treatment and rehabilitation program. Once the household leaves the treatment center the center is no longer allowed to act as that household's authorized representative. The departing resident shall receive his/her full allotment if already issued and if no benefits have been spent on his/her behalf. If benefits have been issued and any portion have been spent on his/her behalf and the resident leaves, the treatment center shall return a prorated amount of the household's monthly allotment back to the household's EBT account based on the number of days in the month that the household resided at the center. Under no circumstances shall the center pull benefits from an EBT card after the resident has left the facility. In addition, the drug or alcohol treatment center shall return the authorized representative EBT card, and the resident's card if it was left behind, to the issuing office within five (5) calendar days of the resident's departure.</p> <p>The center shall provide the household with a change report form as soon as it has knowledge the household plans to leave the facility and advise the household to return the form to the local Food Assistance office within ten (10) days of any change the household is required to report.</p> <p>E. The organization or institution shall be</p>	<p>center shall return to the issuing office any benefits received after the household has left the center.</p> <p>The treatment center shall provide the residents with their EBT card when the household leaves the treatment and rehabilitation program. Once the household leaves the treatment center the center is no longer allowed to act as that household's authorized representative. The departing resident shall receive his/her full allotment if already issued and if no benefits have been spent on his/her behalf. If benefits have been issued and any portion have been spent on his/her behalf and the resident leaves, the treatment center shall return a prorated amount of the household's monthly allotment back to the household's EBT account based on the number of days in the month that the household resided at the center. Under no circumstances shall the center pull benefits from an EBT card after the resident has left</p> <p>AG 2nd Review / Second Board Reading / Adoption</p> <p>This package contains the following types of rules: (check all that apply)</p> <p>Number 19 Amended Rules 3 New</p> <p>The issuing office within five (5) calendar days of the resident's departure as it has knowledge the household plans to leave the facility and advise the household to return the form to the local Food Assistance office within ten (10) days of any change the household is required to report.</p> <p>D. The organization or institution shall be responsible for any misrepresentation or fraud, which it knowingly commits in the certification of center residents. As an authorized representative, the organization or institution shall be knowledgeable about household circumstances and should carefully review those circumstances with residents prior to applying on their behalf.</p>		

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		<p>responsible for any misrepresentation or fraud, which it knowingly commits in the certification of center residents. As an authorized representative, the organization or institution shall be knowledgeable about household circumstances and should carefully review those circumstances with residents prior to applying on their behalf.</p> <p>F. The organization or institution may be penalized or disqualified if it is determined administratively or judicially that benefits were misappropriated or used for purchases that did not contribute to a certified household's meals. The certification office shall promptly notify the state office when it has reason to believe that an organization or institution is misusing Food Assistance benefits in its possession. However, no action shall be taken against the organization or institution prior to an FNS investigation. The certification office shall establish a claim for over-issuance of Food Assistance benefits held on behalf of resident clients if any over-issuances are discovered as a result of an FNS investigation or hearing. If FNS disqualifies an organization or institution as an authorized treatment center, the certification office shall suspend its authorized representative status for the same period.</p>	<p>E. The organization or institution may be penalized or disqualified if it is determined administratively or judicially that benefits were misappropriated or used for purchases that did not contribute to a certified household's meals. The certification office shall promptly notify the state office when it has reason to believe that an organization or institution is misusing Food Assistance benefits in its possession. However, no action shall be taken against the organization or institution prior to an FNS investigation. The certification office shall establish a claim for over-issuance of Food Assistance benefits held on behalf of resident clients if any over-issuances are discovered as a result of an FNS investigation or hearing. If FNS disqualifies an organization or institution as an authorized treatment center, the certification office shall suspend its authorized representative status for the same period.</p>		
4.309.4(A)	Removed inaccurate cross-reference.	<p><b>Residents of Group Living Arrangements</b></p> <p>A. Group living arrangements are residential settings that are considered alternatives to institutional living. Institutional settings are not included in this provision. To be eligible as residents of a group living arrangement, the person shall be blind or disabled as defined in Section 4.304.41. In addition, the local office shall verify that the group living arrangement is a public or private nonprofit facility with no more than sixteen (16) residents, and is certified as a group living arrangement by the Colorado Department of Public Health and Environment and the Colorado Department</p>	<p><b>Residents of Group Living Arrangements</b></p> <p>A. Group living arrangements are residential settings that are considered alternatives to institutional living. Institutional settings are not included in this provision. To be eligible as residents of a group living arrangement, the person shall be disabled. In addition, the local office shall verify that the group living arrangement is a public or private nonprofit facility with no more than sixteen (16) residents, and is certified as a group living arrangement by the Colorado Department of Public Health and Environment and the Colorado Department of Human Services under Section 1616(e)</p>	Definition of disabled is in the definition section.	

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		of Human Services under Section 1616(e) of the Social Security Act. FNS may also certify under standards determined by the USDA that are comparable to standards implemented the state under 1616(e) of the Social Security Act (codified at 42 USC). The federal laws do not include any later amendments to or editions of the incorporated material. Copies of the federal laws are available for inspection during normal working hours by contacting: Director, Food Assistance Programs Division, Colorado Department of Human Services, 1575 Sherman Street, Denver, Colorado 80203; or a state publications depository. Individuals residing in a for profit facility are considered residents of an institution per Section 4.304.4(E).	of the Social Security Act. FNS may also certify under standards determined by the USDA that are comparable to standards implemented the state under 1616(e) of the Social Security Act (codified at 42 USC). The federal laws do not include any later amendments to or editions of the incorporated material. Copies of the federal laws are available for inspection during normal working hours by contacting: Director, Food Assistance Programs Division, Colorado Department of Human Services, 1575 Sherman Street, Denver, Colorado 80203; or a state publications depository. Individuals residing in a for profit facility are considered residents of an institution per Section 4.304.4(E).		
4.401	Removed unnecessary cross references, unnecessary statements, and duplicative references.	<p><b>INCOME ELIGIBILITY STANDARDS</b></p> <p>Participation in the Program shall be limited to those households whose incomes are determined to be a substantially limiting factor.</p> <p>The gross and net income standards of eligibility shall be based on the federal income poverty levels established as provided in Section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) and as stated in Section 273.9(A) of the Code of Federal Regulations; no later editions or amendments are incorporated. Copies of these regulations are available for inspection during normal working hours by contacting: Colorado Department of Human Services, Director, Food Assistance Programs Division, 1575 Sherman Street, Denver, Colorado 80203; or any state publications depository.</p> <p>The gross and net income standards are located in Sections 4.401.1 and 4.401.2.</p> <p>A. Income eligibility is determined based on the composition of the household. A household shall meet</p>	<p><b>INCOME ELIGIBILITY STANDARDS</b></p> <p>A. Income eligibility is determined based on the composition of the household. A household shall meet the gross and net income eligibility standards as outlined below:</p> <ol style="list-style-type: none"> <li>1. Expanded categorically eligible households must have gross income below two hundred percent (200%) of the federal poverty level.</li> <li>2. Basic categorically eligible households shall be deemed as having met gross and net income limits.</li> <li>3. Households which are not considered expanded or basic categorically eligible and instead subject to standard eligibility rules shall meet income eligibility standards as follows: <ol style="list-style-type: none"> <li>a. Households that do not include a member who is elderly or a person with a disability shall have gross income at or below one hundred thirty percent (130%) of the federal poverty level and have a net income at or below one hundred percent (100%) of the federal</li> </ol> </li> </ol>	<p>Reference to the Community Services Block grant as the regulation that sets the federal poverty levels is unnecessary.</p> <p>Language referencing two income levels for expanded categorically eligible households is inaccurate.</p> <p>Language regarding required reported changes which was included in</p>	

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		<p>the gross and net income eligibility standards as outlined below:</p> <ol style="list-style-type: none"> <li>1. Expanded categorically eligible households, as defined in Section 4.206, that do not include a member who is elderly and/or a person with a disability, shall have gross income at or below one hundred thirty percent (130%) of the federal poverty level and have a net income at or below one hundred percent (100%) of the federal poverty level.</li> <li>2. Households that do include a member who is elderly and/or a person with a disability shall have gross income at or below two hundred percent (200%) of the federal poverty level and have net income at or below one hundred percent (100%) of the federal poverty level.</li> <li>3. Basic categorically eligible households shall be deemed as having met gross and net income limits.</li> <li>4. Households which are not considered expanded or basic categorically eligible and instead subject to standard eligibility rules shall meet income eligibility standards as follows: <ol style="list-style-type: none"> <li>a. Households that do not include a member who is elderly or a person with a disability shall have gross income at or below one hundred thirty percent (130%) of the federal poverty level and have a net income at or below one hundred percent (100%) of the federal poverty level.</li> <li>b. Households that do include a member who is elderly or a person with a disability shall have a net income at or below one hundred percent (100%) of the federal poverty level.</li> </ol> </li> <li>5. For household members who are persons</li> </ol>	<p>poverty level.</p> <ol style="list-style-type: none"> <li>b. Households that do include a member who is elderly or a person with a disability shall have a net income at or below one hundred percent (100%) of the federal poverty level.</li> <li>5. For household members who are persons that are elderly and/or have a disability, who are unable to purchase and prepare meals because he or she suffers from a disability considered permanent under the Social Security Act, or a non-disease related, severe, permanent disability, may be considered, together with his or her spouse if the spouse is living in the same home, a separate household from the others with whom the individual lives. The combined income of the others with whom the individual who is elderly and disabled resides (excluding the income of individual who is elderly and disabled and his or her spouse) must not exceed one hundred sixty five percent (165%) of the poverty level. See Sections 4.401.1 and 4.401.2 for the gross and net income levels for 165% of the federal poverty level.</li> <li>B. Ineligible students and household members who are ineligible due to citizenship status, intentional program violation, failure to cooperate with work programs, or failure to provide or apply for a Social Security Number, shall be excluded when determining the household size and the appropriate income eligibility maximum and/or level of benefits.</li> </ol>	<p>'C' is no longer applicable as all Food Assistance households are Simplified Reporting.</p>	

**Title of Proposed Rule:** Technical Cleanup of the Food Assistance Program  
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**CCR #:** 10 CCR 2506-1  
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		<p>that are elderly and/or have a disability, who are unable to purchase and prepare meals because he or she suffers from a disability considered permanent under the Social Security Act, or a non-disease related, severe, permanent disability, may be considered, together with his or her spouse if the spouse is living in the same home, a separate household from the others with whom the individual lives. The combined income of the others with whom the individual who is elderly and disabled resides (excluding the income of individual who is elderly and disabled and his or her spouse) must not exceed one hundred sixty five percent (165%) of the poverty level. See Sections 4.401.1 and 4.401.2 for the gross and net income levels for 165% of the federal poverty level.</p> <p>B. Ineligible students and household members who are ineligible due to citizenship status, intentional program violation, failure to cooperate with work programs, or failure to provide or apply for a Social Security Number, shall be excluded when determining the household size and the appropriate income eligibility maximum and/or level of benefits.</p> <p>C. When a certified household has person who is elderly or a person with a disability move into or out of the household, or has a member who becomes sixty (60) years old or begins to receive SSI, disability payments, or veterans benefits, or otherwise becomes classified as a person who is elderly or a person with a disability as defined in Section 4.304.41 a reportable change shall be acted upon within ten (10) calendar days from the day the local office is notified. If the change is not one that the household is required to report, and it is unknown to the local office, the net income eligibility standard will be applied at the time of recertification.</p>			

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4.401.1	Removed unnecessary and duplicative statements.	<p>Gross Income Eligibility Determination</p> <p>A household evaluated under standard eligibility rules may be eligible if its monthly nonexempt earned and unearned income does not exceed the gross income level. If after deducting any legally obligated child support payments and no other deductions, the household exceeds the gross income level there are no further computations required to consider the household's net income level. Instead, a Notice of Action form is completed to deny the household.</p> <p>The gross income level for households eligible under standard eligibility rules that do not include a member who is elderly and/or a person with a disability is one hundred thirty percent (130%) of the federal poverty level.</p> <p>Gross Income Levels Effective October 1, 2017, the gross income level for one hundred thirty percent (130%), two hundred percent (200%), and one hundred sixty-five percent (165%) of the federal poverty level for the corresponding household size is as follows:</p>	<p>Gross Income Levels</p> <p>Effective October 1, 2017, the gross income level for one hundred thirty percent (130%), two hundred percent (200%), and one hundred sixty-five percent (165%) of the federal poverty level for the corresponding household size is as follows:</p>	Removed paragraphs which include information included on standard eligibility which is discussed in 4.206.	
4.401.2	Removed unnecessary and duplicative statements.	<p>Net Income Eligibility Determination</p> <p>A. Households evaluated under standard eligibility rules whose income does not exceed the gross income level as outlined in this section shall have their eligibility for benefits computed allowing the earned income, standard, dependent care, medical, and shelter deductions, as appropriate. The household shall be eligible only if its monthly gross income, less the allowable Food Assistance deductions, is below the maximum net eligibility level for their household size. A standard eligibility household that exceeds the net eligibility level must be denied.</p> <p>B. A standard eligibility household shall be</p>	<p>Net Income Levels</p> <p>Effective October 1, 2017, the net income level of one hundred percent (100%) of the federal poverty level for the corresponding household size is as follows:</p>	Removed paragraphs which include information included on standard eligibility which is discussed in 4.206.	

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		<p>eligible for Food Assistance benefits if its monthly nonexempt earned and unearned income, less all applicable deductions, including the earned income, standard, medical, dependent care, and unlimited excess shelter deduction, does not exceed the maximum net income level.</p> <p>C. If a household contains a member who is fifty-nine (59) years old on the date of application, but who will become sixty (60) years of age before the end of the month of application, the local office shall determine the household's eligibility as if the person is sixty (60) years of age.</p> <p>D. Net Income Levels</p> <p>Effective October 1, 2017, the net income level of one hundred percent (100%) of the federal poverty level for the corresponding household size is as follows:</p>			
4.402	Removed unnecessary cross references.	<p>HOUSEHOLD INCOME ELIGIBILITY</p> <p>A. Determining Income</p> <p>1. Income eligibility shall be determined prospectively based on the eligibility worker's anticipation of income at the time of application and when changes are made known to the local office. See Section 4.603.1 for rules concerning anticipating income. Income shall be determined as it is anticipated to be received unless the income is averaged over the certification period in accordance with Section 4.402.2.</p> <p>2. When determining if a household is eligible under gross and/or net income limits, households shall have income converted to a monthly amount by using a conversion as specified below. When a full month's income is anticipated any cents in the gross weekly or biweekly earnings shall be used in converting income to a monthly amount.</p>	<p>HOUSEHOLD INCOME ELIGIBILITY</p> <p>A. Determining Income</p> <p>1. Income eligibility shall be determined prospectively based on the eligibility worker's anticipation of income at the time of application and when changes are made known to the local office.</p> <p>2. When determining if a household is eligible under gross and/or net income limits, households shall have income converted to a monthly amount by using a conversion as specified below. When a full month's income is anticipated any cents in the gross weekly or biweekly earnings shall be used in converting income to a monthly amount.</p> <p>Monthly income amounts shall be rounded to the nearest dollar amounts. Each monthly income figure that ends in 1 through 49 cents is rounded down, and each monthly income figure that ends in 50 through 99 cents</p>	The citations to other sections of the Food Assistance regulation are not necessary to understand the context of this citation.	

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		<p>Monthly income amounts shall be rounded to the nearest dollar amounts. Each monthly income figure that ends in 1 through 49 cents is rounded down, and each monthly income figure that ends in 50 through 99 cents is rounded to the next dollar.</p> <table border="1" data-bbox="491 560 1068 815"> <thead> <tr> <th>Pay</th> <th>Conversion</th> </tr> </thead> <tbody> <tr> <td>Weekly</td> <td>Multiply Weekly by Average by 4.3.</td> </tr> <tr> <td>Bi-Weekly (Every Two</td> <td>Multiply Bi-Weekly Average by 2.15.</td> </tr> <tr> <td>Semi-Monthly (Twice a</td> <td>Multiply Semi-Monthly Average by</td> </tr> <tr> <td>Every Other Month</td> <td>Multiply Average by 0.5.</td> </tr> <tr> <td>Quarterly</td> <td>Multiply Average by 0.333333.</td> </tr> <tr> <td>Twice a Year</td> <td>Multiply Average by 0.166666.</td> </tr> <tr> <td>Annual</td> <td>Multiply Average by .083.</td> </tr> </tbody> </table> <p>3. Household income shall mean all earned and unearned income received or anticipated to be received by household members from whatever source, unless specifically exempted for Food Assistance eligibility and budgeting purposes, per Section 4.405. Income of household members, including the amount of the disqualified person's income attributed to the household, shall be counted as income in the month received or the month it becomes available, unless the income is averaged over the certification period. See Section 4.411 for additional information.</p> <p>B. Variations in Date of Pay</p> <p>1. Regular ongoing earned income that is received early or late by a household due to a holiday, a weekend, or pay dates being changed will have income courted based on the regular pay schedule instead of the actual date of pay.</p> <p>2. Households receiving monthly benefits such as public assistance or social security payments shall</p>	Pay	Conversion	Weekly	Multiply Weekly by Average by 4.3.	Bi-Weekly (Every Two	Multiply Bi-Weekly Average by 2.15.	Semi-Monthly (Twice a	Multiply Semi-Monthly Average by	Every Other Month	Multiply Average by 0.5.	Quarterly	Multiply Average by 0.333333.	Twice a Year	Multiply Average by 0.166666.	Annual	Multiply Average by .083.	<p>is rounded to the next dollar.</p> <table border="1" data-bbox="1089 479 1688 734"> <thead> <tr> <th>Pay</th> <th>Conversion</th> </tr> </thead> <tbody> <tr> <td>Weekly</td> <td>Multiply Weekly by Average by 4.3.</td> </tr> <tr> <td>Bi-Weekly (Every Two</td> <td>Multiply Bi-Weekly Average by 2.15.</td> </tr> <tr> <td>Semi-Monthly (Twice a</td> <td>Multiply Semi-Monthly Average by 2.</td> </tr> <tr> <td>Every Other Month</td> <td>Multiply Average by 0.5.</td> </tr> <tr> <td>Quarterly</td> <td>Multiply Average by 0.333333.</td> </tr> <tr> <td>Twice a Year</td> <td>Multiply Average by 0.166666.</td> </tr> <tr> <td>Annual</td> <td>Multiply Average by .083.</td> </tr> </tbody> </table> <p>3. Household income shall mean all earned and unearned income received or anticipated to be received by household members from whatever source, unless specifically exempted for Food Assistance eligibility and budgeting purposes, per Section 4.405. Income of household members, including the amount of the disqualified person's income attributed to the household, shall be counted as income in the month received or the month it becomes available, unless the income is averaged over the certification period.</p> <p>B. Variations in Date of Pay</p> <p>1. Regular ongoing earned income that is received early or late by a household due to a holiday, a weekend, or pay dates being changed will have income courted based on the regular pay schedule instead of the actual date of pay.</p> <p>2. Households receiving monthly benefits such as public assistance or social security payments shall not have their monthly income varied merely because mailing cycles resulted in two (2) payments in one month and none in the next month.</p> <p>3. Households containing a member of the Armed</p>	Pay	Conversion	Weekly	Multiply Weekly by Average by 4.3.	Bi-Weekly (Every Two	Multiply Bi-Weekly Average by 2.15.	Semi-Monthly (Twice a	Multiply Semi-Monthly Average by 2.	Every Other Month	Multiply Average by 0.5.	Quarterly	Multiply Average by 0.333333.	Twice a Year	Multiply Average by 0.166666.	Annual	Multiply Average by .083.		
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		<p>not have their monthly income varied merely because mailing cycles resulted in two (2) payments in one month and none in the next month.</p> <p>3. Households containing a member of the Armed Services of the United States shall not have their monthly income varied merely because the first day of the month falls on a holiday or weekend which resulted in two (2) payments in the month and none in the subsequent month.</p> <p>C. Wage Data</p> <p>1. With respect to income or resource information originating with the Internal Revenue Service (IRS) and provided through the income and eligibility verification system (IEVS), as well as wage data obtained through the DOLE or IEVS, the local office must verify such information from another source and must verify applicant/participant access to that income/resource. The local office may not take adverse action on such information until independent verification is obtained, or until the applicant has been found to have failed to cooperate in providing the required verification. The information must also be verified prior to establishing a claim for an over-issuance of benefits.</p> <p>2. Income considered verified upon receipt as outlined in Section 4.504.6 shall be considered verified once it is known to the agency. If the household declares that the information is not accurate, the household shall be given an opportunity to provide verification in order to resolve the discrepancy.</p>	<p>Services of the United States shall not have their monthly income varied merely because the first day of the month falls on a holiday or weekend which resulted in two (2) payments in the month and none in the subsequent month.</p> <p>C. Wage Data</p> <p>1. With respect to income or resource information originating with the Internal Revenue Service (IRS) and provided through the income and eligibility verification system (IEVS), as well as wage data obtained through the DOLE or IEVS, the local office must verify such information from another source and must verify applicant/participant access to that income/resource. The local office may not take adverse action on such information until independent verification is obtained, or until the applicant has been found to have failed to cooperate in providing the required verification. The information must also be verified prior to establishing a claim for an over-issuance of benefits.</p>		
4.402.1	Removed unnecessary and duplicative statements and cross references.	<p>Prospective Budgeting</p> <p>A. Prospective budgeting is the process of computing a household's allotment based on anticipated income and circumstances during the</p>	<p>Prospective Budgeting</p> <p>A. Prospective budgeting is the process of computing a household's allotment based on anticipated income and circumstances during the issuance month.</p>	Removed references to requirements of Change Reporting, which	

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		<p>issuance month. All Food Assistance households and all situations require prospective budgeting determinations, including public assistance households under the Title IVA (Temporary Assistance to Needy Families/Colorado Works) Program.</p> <p>B. If the date of receipt or the amount of any anticipated income is uncertain, such as a new job or a PA application, that portion of income shall not be considered. Only the portion of income which can be anticipated with reasonable certainty concerning the amount and month in which monies will be received shall be counted as income.</p> <p>If a household is certified using anticipated income and the county department subsequently receives documentation verifying a lower amount of income, the change in income shall take effect the month following the month the change is considered reported. If the documentation verifies a higher amount of income, but the income does not cause the household to exceed 130% of the federal poverty level, the change in income shall not cause a decrease in benefits until recertification or periodic report for simplified reporting households, but may cause a decrease in benefits for non-simplified reporting households (see Section 4.604, D).</p> <p>C. Income received within the past thirty (30) days may be used as an indication of the income that will be received in the issuance month unless changes in income have occurred or can be anticipated which require proper adjustment. Income used to determine prospective eligibility shall be representative of the household's current circumstances.</p> <p>If the verified income does not provide an accurate indication of anticipated income, a longer period of</p>	<p>All Food Assistance households and all situations require prospective budgeting determinations, including public assistance households under the Title IVA (Temporary Assistance to Needy Families/Colorado Works) Program.</p> <p>B. If the date of receipt or the amount of any anticipated income is uncertain, such as a new job or a PA application, that portion of income shall not be considered. Only the portion of income which can be anticipated with reasonable certainty concerning the amount and month in which monies will be received shall be counted as income.</p> <p>C. Income received within the past thirty (30) days may be used as an indication of the income that will be received in the issuance month unless changes in income have occurred or can be anticipated which require proper adjustment. Income used to determine prospective eligibility shall be representative of the household's current circumstances.</p> <p>If the verified income does not provide an accurate indication of anticipated income, a longer period of past time may be used if it will provide a more accurate indication of anticipated income. If a household's income fluctuates seasonally, it may be appropriate to use the last season rather than the last thirty (30) days, although precaution must be taken to account for possible fluctuations or new circumstances. Except for eligible strikers, no household shall have the amount of any past income automatically attributed to it.</p>	<p>is no longer a reporting category as all Food Assistance households are Simplified Reporting. 'D' is removed as the following section 4.402.2 has information on using average monthly income, thus statement is repetitive.</p>	

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		<p>past time may be used if it will provide a more accurate indication of anticipated income. If a household's income fluctuates seasonally, it may be appropriate to use the last season rather than the last thirty (30) days, although precaution must be taken to account for possible fluctuations or new circumstances. Except for eligible strikers, no household shall have the amount of any past income automatically attributed to it.</p> <p>D. In cases where the receipt of income for households is reasonably certain but the monthly amount is expected to fluctuate, the household may qualify to have its income averaged to obtain a monthly amount (refer to Section 4.402.2).</p>			
4.403(E)	Removed unnecessary cross references.	<p>E. Self-Employment</p> <p>The method of ascertaining the self-employment income to be considered for Food Assistance purposes is often difficult and the guidelines set forth in Sections 4.403.1–4.403.12 are meant to clarify and aid the process.</p> <p>In determining gross self-employment income, all income received by the self-employment household must be considered. Self-employment income includes:</p> <ol style="list-style-type: none"> <li>1. Monies received from rental or lease of self-employment property. Rental property shall be considered a self-employment enterprise. However, the income will be considered as earned income only if the household member (or disqualified person) actively manages the property at least an average of twenty (20) hours per week.</li> <li>2. Monies received from the sale of capital goods, services, and property connected to the self-employment enterprise. Proceeds of sales from capital goods or equipment are to be treated as income rather</li> </ol>	<p>E. Self-Employment</p> <p>The method of ascertaining the self-employment income to be considered for Food Assistance purposes is often difficult and the guidelines set forth in Sections 4.403.1–4.403.12 are meant to clarify and aid the process.</p> <p>In determining gross self-employment income, all income received by the self-employment household must be considered. Self-employment income includes:</p> <ol style="list-style-type: none"> <li>1. Monies received from rental or lease of self-employment property. Rental property shall be considered a self-employment enterprise. However, the income will be considered as earned income only if the household member (or disqualified person) actively manages the property at least an average of twenty (20) hours per week.</li> <li>2. Monies received from the sale of capital goods, services, and property connected to the self-employment enterprise. Proceeds of sales from capital goods or equipment are to be treated as income rather than as capital gains.</li> </ol>	Removed reference to information included within the same section.	

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		<p>than as capital gains.</p> <p>The term “capital gains”, as used by the Internal Revenue Service (IRS), describes the handling of the profit from the sale of capital assets such as, but not limited to, computers and other electronic devices, office furniture, vehicles, and equipment used in a self-employment enterprise; or securities, real estate, or other real property held as an investment for a set period of time. For Food Assistance purposes, the total amount received from the sale of capital goods shall be counted as income to the household.</p> <p>3. Income from roomers/boarders (see paragraph G below).</p>	<p>The term “capital gains”, as used by the Internal Revenue Service (IRS), describes the handling of the profit from the sale of capital assets such as, but not limited to, computers and other electronic devices, office furniture, vehicles, and equipment used in a self-employment enterprise; or securities, real estate, or other real property held as an investment for a set period of time. For Food Assistance purposes, the total amount received from the sale of capital goods shall be counted as income to the household.</p>		
4.403.1	Removed unnecessary language.	<p>Self-Employment</p> <p>See Section 4.403, E, for a description of what is considered self-employment income.</p> <p>A. Self-employment is defined as a situation where some or all income is received from a self-operated business or enterprise in which the individual retains control over work or services offered, and assumes the necessary business risks and expenses connected with the operation of the business.</p> <p>Households in which one or more members are engaged in an enterprise for gain either as an independent contractor, franchise holder, or owner-operator must be considered as self-employed, provided that the members are actively engaged in the enterprise on a day-to-day basis. In instances where the members hire or contract for another person or firm to handle the day-to-day activities of such enterprise, the members will have self-employment income but will not be considered as self-employed for purposes of work registration. The self-employed individual need not own one hundred percent (100%)</p>	<p>Self-Employment</p> <p>See Section 4.403, E, for a description of what is considered self-employment income.</p> <p>A. Self-employment is defined as a situation where some or all income is received from a self-operated business or enterprise in which the individual retains control over work or services offered, and assumes the necessary business risks and expenses connected with the operation of the business.</p> <p>Households in which one or more members are engaged in an enterprise for gain either as an independent contractor, franchise holder, or owner-operator must be considered as self-employed, provided that the members are actively engaged in the enterprise on a day-to-day basis. In instances where the members hire or contract for another person or firm to handle the day-to-day activities of such enterprise, the members will have self-employment income but will not be considered as self-employed for purposes of work registration. The self-employed individual need not own one hundred percent (100%) of the company to be</p>	Removed statement on all other financial criteria applying to self-employment households as the statement is unnecessary since these apply to all households unless specifically exempted from these requirements.	

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		<p>of the company to be considered self- employed.</p> <p>All financial and non-financial eligibility criteria shall apply to self-employment households.</p> <p>B. The receipt of income from self-employment, which may constitute all or only a portion of the income of the household, does not automatically exempt the members from the work registration requirement. This determination will be made based on the assessment of the eligibility technician and the household's declaration that the self-employment enterprise requires thirty (30) hours of work per week or averages annually thirty (30) hours per week.</p>	<p>considered self- employed.</p> <p>B. The receipt of income from self-employment, which may constitute all or only a portion of the income of the household, does not automatically exempt the members from the work registration requirement. This determination will be made based on the assessment of the eligibility technician and the household's declaration that the self-employment enterprise requires thirty (30) hours of work per week or averages annually thirty (30) hours per week.</p>		
4.404	Removed unnecessary and duplicative statements and cross references.	<p>COUNTABLE UNEARNED INCOME</p> <p>Unearned income shall include, but not be limited to, the following:</p> <p>A. Assistance Payments</p> <p>Payment from federal or federally aided public assistance programs, such as Supplemental Security Income (SSI), or Colorado Works/Temporary Assistance to Needy Families (TANF)/Title IV-A, or other assistance programs based on need, including payments from programs which require, as a condition of eligibility, the actual performance of work without compensation other than the assistance payments themselves. Payments identified as energy assistance would be excluded in accordance with Section 4.405.2.</p> <p>Foster care payments for children or adults will only be included as income when the individual for whom the payment is intended is included as a member of the household (see Section 4.304.3).</p>	<p>COUNTABLE UNEARNED INCOME</p> <p>Unearned income shall include, but not be limited to, the following:</p> <p>A. Assistance Payments</p> <p>Payment from federal or federally aided public assistance programs, such as Supplemental Security Income (SSI), or Colorado Works/Temporary Assistance to Needy Families (TANF)/Title IV-A, or other assistance programs based on need, including payments from programs which require, as a condition of eligibility, the actual performance of work without compensation other than the assistance payments themselves.</p> <p>B. Retirement and Disability Payments</p> <p>Payments from annuities; pensions; retirement; veterans or disability benefits; workmen's or unemployment compensation; old age, survivors, or Social Security benefits; and strike benefits.</p> <p>C. Support and Alimony Payments</p>	<p>The citations to other sections of the Food Assistance regulation are not necessary to understand the context of this citation.</p> <p>Information on Educational Monies (D) is actually referencing income that is not countable, this section is on countable income.</p>	

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		<p>B. Retirement and Disability Payments</p> <p>Payments from annuities; pensions; retirement; veterans or disability benefits; workmen's or unemployment compensation; old age, survivors, or Social Security benefits; and strike benefits.</p> <p>C. Support and Alimony Payments</p> <p>Support and alimony payments made directly to the household from non-household members for normal living expenses.</p> <p>D. Educational Monies</p> <p>1. Money that is legally obligated or otherwise payable to a household member for education, which includes the amount from scholarships, educational grants, fellowships, deferred payment loans for education, veteran's educational benefits, and any other money received specifically for education expenses shall not be considered as unearned income.</p> <p>E. Rental Income</p> <p>Rental income is total income, less the cost of doing business, from rental property in which a household member (or disqualified individual) is not actively managing the property an average of at least twenty (20) hours a week (see Section 4.403.1).</p> <p>F. Income of Non-Citizen Sponsors</p> <p>Income of non-citizen sponsors shall be considered as unearned income to households containing sponsored non-citizens. Refer to Section 4.305.4 for specific instructions.</p>	<p>Support and alimony payments made directly to the household from non-household members for normal living expenses.</p> <p>D. Rental Income</p> <p>Rental income is total income, less the cost of doing business, from rental property in which a household member (or disqualified individual) is not actively managing the property an average of at least twenty (20) hours a week.</p> <p>E. Income of Non-Citizen Sponsors</p> <p>Income of non-citizen sponsors shall be considered as unearned income to households containing sponsored non-citizens.</p> <p>F. Vacation Pay, Sick Pay, and Bonus Pay</p> <p>If vacation pay, sick pay, or bonus pay is received in installment payments after a person has terminated employment, it is considered unearned income. If the pay is received in a lump sum, it shall be considered as a resource in the month received.</p> <p>H. Gifts</p> <p>Gifts from nonprofit organizations that exceed three hundred dollars (\$300) in a quarter or gifts from other sources of any amount, if they can be anticipated.</p> <p>H. Other Gain or Benefits</p> <p>Dividends, interest, royalties, and all other nonexempt direct money payments from any source that can be construed to be a gain or benefit.</p>		

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		<p>G. Vacation Pay, Sick Pay, and Bonus Pay</p> <p>If vacation pay, sick pay, or bonus pay is received in installment payments after a person has terminated employment, it is considered unearned income. If the pay is received in a lump sum, it shall be considered as a resource in the month received.</p> <p>H. Gifts</p> <p>Gifts from nonprofit organizations that exceed three hundred dollars (\$300) in a quarter or gifts from other sources of any amount, if they can be anticipated, and are not exempt as income under Section 4.405.</p> <p>I. Other Gain or Benefits</p> <p>Dividends, interest, royalties, and all other nonexempt direct money payments from any source that can be construed to be a gain or benefit.</p> <p>Monies withdrawn from trust funds are income in the month received. Dividends that the household has the option of either receiving as income or reinvesting in the trust must be considered as income in the month they are available to the household.</p>	<p>Monies withdrawn from trust funds are income in the month received. Dividends that the household has the option of either receiving as income or reinvesting in the trust must be considered as income in the month they are available to the household.</p>		
4.405(C)	Added clarifying language to align with federal regulation.	<p>Earnings of Children</p> <p>The earned income of children who are under eighteen (18) years of age, who are members of the household and are students at least half-time in elementary school, high school, or classes to obtain a General Equivalency Diploma (GED), will be considered exempt income.</p> <p>The exclusion shall continue to apply during temporary interruptions in school attendance due to semester or vacation breaks, provided the child's enrollment will resume following the break. If the child's earnings or</p>	<p>Earnings of Children</p> <p>The earned income of children who are under eighteen (18) years of age, who live with their natural parent, adoptive parent, stepparent, or are under the parental control of another household member other than a parent and are students at least half-time in elementary school, high school, or classes to obtain a General Equivalency Diploma (GED), will be considered exempt income.</p> <p>The exclusion shall continue to apply during temporary interruptions in school attendance due to semester or</p>	When a student turns eighteen (18) during a certification period, Simplified Reporting rules apply and the income is required to be reported and is not acted on until next certification.	

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		<p>amount of work performed cannot be differentiated from that of other household members, the total earnings shall be prorated equally among the working members and the child's pro rata share excluded.</p> <p>If the student becomes eighteen (18) years of age in the month of application, the income shall be excluded for the month of application and counted the following month. If the student turns eighteen (18) during the certification period .the income shall be excluded until the month following the month the student becomes eighteen (18) years of age.</p> <p>Individuals are considered children for purposes of this provision if they are under eighteen (18) years of age, live with their natural parent, adoptive parent or stepparent, or are under the parental control of another household member other than a parent.</p>	<p>vacation breaks, provided the child's enrollment will resume following the break. If the child's earnings or amount of work performed cannot be differentiated from that of other household members, the total earnings shall be prorated equally among the working members and the child's pro rata share excluded.</p> <p>If the student becomes eighteen (18) years of age in the month of application, the income shall be excluded for the month of application and counted the following month. If the student turns eighteen (18) during the certification period, simplified reporting rules apply.</p>		
4.405(E-K)	Removed unnecessary and duplicative statements and cross references.	<p><b>E. Court Ordered Child Support Payable to Other Parties</b></p> <p>Income which is diverted from a household by a court order to pay a child support payment to or for a non-household member is deducted from income for the household making the payment (see Section 4.407.5).</p> <p><b>F. Non-recurring Lump Sum Payments</b></p> <p>Money received in the form of non-recurring lump sum payments, includes, but is not limited to, income tax refunds, rebates, or credits; retroactive lump-sum Social Security, SSI, public assistance, railroad retirement benefits or other payments; or retroactive lump-sum insurance settlements; or any money an inmate receives upon release from prison, including earnings from work performed while incarcerated and accumulated over the length of the incarceration.</p>	<p><b>E. Non-recurring Lump Sum Payments</b></p> <p>Money received in the form of non-recurring lump sum payments, includes, but is not limited to, income tax refunds, rebates, or credits; retroactive lump-sum Social Security, SSI, public assistance, railroad retirement benefits or other payments; or retroactive lump-sum insurance settlements; or any money an inmate receives upon release from prison, including earnings from work performed while incarcerated and accumulated over the length of the incarceration.</p> <p>State and county diversion payments under Colorado Works shall be excluded as a non-recurring lump sum payment if the payment does not cover more than ninety (90) days of expenses and is not expected to occur again in a twelve (12) month period.</p> <p>Non-recurring lump sum payments shall be counted as resources in the month received, unless specifically</p>	<p>Court Ordered Child Support Payable to Other Parties is described 4.407.4.</p> <p>Other removed cross-references are duplicative and are not necessary to understand the context of this citation.</p>	



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		<p>State and county diversion payments under Colorado Works shall be excluded as a non-recurring lump sum payment if the payment does not cover more than ninety (90) days of expenses and is not expected to occur again in a twelve (12) month period.</p> <p>Non-recurring lump sum payments shall be counted as resources in the month received, unless specifically excluded from consideration as a resource by other federal laws. Any funds remaining in subsequent months shall be considered a resource.</p> <p>Beginning December 17, 2010, Federal income tax refunds must be disregarded as a resource for twelve (12) months from the date of receipt by the client. These refunds are also excluded as income in the month received.</p> <p>G. Loans</p> <p>1. All loans from private individuals as well as commercial institutions shall not be considered as income, including educational loans.</p> <p>2. Monies received from a Reverse Annuity Mortgage (RAM) loan program should be treated as a loan and excluded from income. These loans meet the accepted definition of a loan since there is a verifiable agreement to repay with interest.</p> <p>See Section 4.405.1 for information about financial assistance.</p> <p>H. In-Kind Benefits</p> <p>An in-kind benefit is any gain or benefit received by the household that is not in the form of money such as meals, clothing, public housing, or produce from a garden.</p>	<p>excluded from consideration as a resource by other federal laws. Any funds remaining in subsequent months shall be considered a resource.</p> <p>F. Loans</p> <p>1. All loans from private individuals as well as commercial institutions shall not be considered as income, including educational loans.</p> <p>2. Monies received from a Reverse Annuity Mortgage (RAM) loan program should be treated as a loan and excluded from income. These loans meet the accepted definition of a loan since there is a verifiable agreement to repay with interest.</p> <p>G. In-Kind Benefits</p> <p>An in-kind benefit is any gain or benefit received by the household that is not in the form of money such as meals, clothing, public housing, or produce from a garden.</p> <p>H. Vendor Payments</p> <p>A payment made on behalf of a household shall be considered a vendor payment whenever a person or organization outside of the household uses its own funds to make a direct payment to either the household's creditors or a person or organization providing a service to the household. Vendor payments are excludable as follows:</p> <p>1. Such payments include subsidies paid to the households and legally obligated to the landlord, rent or mortgage payments made directly to landlords or mortgagees by the Department of Housing and Urban Development (HUD), or payments by a government</p>		

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		<p>In-kind payments which would normally be excluded as income but are converted in whole or in part to a direct cash payment under the approval of a federally authorized demonstration project (including demonstration projects created by a waiver of the provisions of federal law) shall be excluded from income.</p> <p>I. Vendor Payments</p> <p>Vendor payments are money payments that are not payable directly to a household, but are paid to a third party for a household expense. A payment made on behalf of a household shall be considered a vendor payment whenever a person or organization outside of the household uses its own funds to make a direct payment to either the household's creditors or a person or organization providing a service to the household. Vendor payments are excludable as follows:</p> <p>1. Such payments include subsidies paid to the households and legally obligated to the landlord, rent or mortgage payments made directly to landlords or mortgagees by the Department of Housing and Urban Development (HUD), or payments by a government agency to a child care institution to provide day care for a household member are also excluded as vendor payments.</p> <p>2. Monies that are legally obligated and otherwise payable to the household, but which are diverted by the provider of the payment to a third party for household expense, shall be counted as income and not excluded as a vendor payment. The distinction is whether the person or organization making the payment on behalf of a household is using funds that otherwise would need to be paid to the</p>	<p>agency to a child care institution to provide day care for a household member are also excluded as vendor payments.</p> <p>2. Monies that are legally obligated and otherwise payable to the household, but which are diverted by the provider of the payment to a third party for household expense, shall be counted as income and not excluded as a vendor payment. The distinction is whether the person or organization making the payment on behalf of a household is using funds that otherwise would need to be paid to the household.</p> <p>3. Any emergency Public Assistance (PA) or General Assistance (GA) payment that is provided to a third party on behalf of the migrant or seasonal farm worker household, while the household is in the job stream, shall be excluded as income and considered as a vendor payment. These payments would normally be considered as income since the payment is legally obligated to the household.</p> <p>4. Wages earned by a household member that are garnished or diverted by an employer, and paid to a third party for a household's expenses, such as rent, shall be considered as income. However, if the employer pays a household's rent directly to the landlord in addition to paying the household its regular wages, this rent payment shall be excluded as a vendor payment. In addition, if the employer provides housing to an employee, the value of the housing shall not be counted as income.</p> <p>5. Assistance provided to a third party on behalf of a household by the state or local program shall be considered money payable directly to the household if the assistance is provided in lieu of:</p> <p>a. A regular benefit payable to the household for</p>		

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		<p>household.</p> <p>3. Any emergency Public Assistance (PA) or General Assistance (GA) payment that is provided to a third party on behalf of the migrant or seasonal farm worker household, while the household is in the job stream, shall be excluded as income and considered as a vendor payment. These payments would normally be considered as income since the payment is legally obligated to the household.</p> <p>4. Wages earned by a household member that are garnished or diverted by an employer, and paid to a third party for a household's expenses, such as rent, shall be considered as income. However, if the employer pays a household's rent directly to the landlord in addition to paying the household its regular wages, this rent payment shall be excluded as a vendor payment. In addition, if the employer provides housing to an employee, the value of the housing shall not be counted as income.</p> <p>5. Assistance provided to a third party on behalf of a household by the state or local program shall be considered money payable directly to the household if the assistance is provided in lieu of:</p> <p>a. A regular benefit payable to the household for living expenses under a program funded under Part A of the Social Security Act; or,</p> <p>b. A benefit payable to the household for housing expenses under a state or local general assistance program or other assistance program comparable to general assistance.</p> <p>6. Assistance payments made to a third party for medical, child care, or emergency/special assistance would be excluded as a vendor payment.</p>	<p>living expenses under a program funded under Part A of the Social Security Act; or,</p> <p>b. A benefit payable to the household for housing expenses under a state or local general assistance program or other assistance program comparable to general assistance.</p> <p>6. Assistance payments made to a third party for medical, child care, or emergency/special assistance would be excluded as a vendor payment. Assistance payments provided by a state or local housing authority would also be excluded as income.</p> <p>7. Energy assistance payments, other than for the Low-Income Energy Assistance Program (LEAP) or a one-time payment under federal or state law for weatherization or to repair/replace an inoperative furnace or other heating or cooling device, that are made under a state or local program shall be counted as income. The exclusion will still apply if a down payment is made and is followed by a final payment upon completion of work. If a state law prohibits the household from receiving a cash payment under state or local general assistance (or comparable program), the assistance would be excluded. This applies to either an energy assistance payment or other type of payment. Energy assistance payments for an expense paid on behalf of the household under a state law shall be considered an out-of-pocket expense incurred and paid by the household.</p> <p>Energy assistance payments made under Part A of Title IV of the Social Security Act (42 U.S.C. 601, et seq.) is included as income. The Act does not include any later amendments to or editions of the incorporated material. Copies of the federal laws are available for inspection during normal working hours by contacting: Director, Food Assistance Programs</p>		

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		<p>Assistance payments provided by a state or local housing authority would also be excluded as income.</p> <p>7. Energy assistance payments, other than for the Low-Income Energy Assistance Program (LEAP) or a one-time payment under federal or state law for weatherization or to repair/replace an inoperative furnace or other heating or cooling device, that are made under a state or local program shall be counted as income. The exclusion will still apply if a down payment is made and is followed by a final payment upon completion of work. If a state law prohibits the household from receiving a cash payment under state or local general assistance (or comparable program), the assistance would be excluded. This applies to either an energy assistance payment or other type of payment. Energy assistance payments for an expense paid on behalf of the household under a state law shall be considered an out-of-pocket expense incurred and paid by the household.</p> <p>Energy assistance payments made under Part A of Title IV of the Social Security Act (42 U.S.C. 601, et seq.) is included as income. The Act does not include any later amendments to or editions of the incorporated material. Copies of the federal laws are available for inspection during normal working hours by contacting: Director, Food Assistance Programs Division, Colorado Department of Human Services, 1575 Sherman Street, Denver, Colorado 80203; or a state publications depository.</p> <p>8. Vendor payments which would normally be excluded as income but are converted in whole or in part to a direct cash payment under the approval of a federally authorized demonstration project (including demonstration projects created by a waiver of the provisions of federal law) shall be excluded from income.</p>	<p>Division, Colorado Department of Human Services, 1575 Sherman Street, Denver, Colorado 80203; or a state publications depository.</p> <p>8. Vendor payments which would normally be excluded as income but are converted in whole or in part to a direct cash payment under the approval of a federally authorized demonstration project (including demonstration projects created by a waiver of the provisions of federal law) shall be excluded from income.</p> <p>9. Monies from alimony or a court-ordered child support payment which are required by a court order (or other legally binding agreement) to be paid to a third party rather than to the household shall be excluded from income as a vendor payment, even if the household agrees to the arrangement.</p> <p>10. Payments in excess of the amount specified in a court order (or other legally binding agreement) which are paid to a third party in addition to a court-ordered vendor payment shall also be treated as a vendor payment.</p> <p>I. Reimbursements</p> <p>1. Reimbursement for past or future expenses, to the extent they do not exceed actual expenses, and do not represent a gain or benefit to the household shall not be considered income.</p> <p>To be excluded, the reimbursement must be provided specifically and used for an identified expense, other than normal living expenses, and used for the purpose intended. When a reimbursement, including a flat allowance, covers multiple expenses, each expense does not have to be separately identified as long as none of the reimbursement covers normal living expenses. Reimbursements for normal household living</p>		

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		<p>9. Monies from alimony or a court-ordered child support payment which are required by a court order (or other legally binding agreement) to be paid to a third party rather than to the household shall be excluded from income as a vendor payment, even if the household agrees to the arrangement.</p> <p>10. Payments in excess of the amount specified in a court order (or other legally binding agreement) which are paid to a third party in addition to a court-ordered vendor payment shall also be treated as a vendor payment.</p> <p>J. Reimbursements</p> <p>1. Reimbursement for past or future expenses, to the extent they do not exceed actual expenses, and do not represent a gain or benefit to the household shall not be considered income.</p> <p>To be excluded, the reimbursement must be provided specifically and used for an identified expense, other than normal living expenses, and used for the purpose intended. When a reimbursement, including a flat allowance, covers multiple expenses, each expense does not have to be separately identified as long as none of the reimbursement covers normal living expenses. Reimbursements for normal household living expenses such as rent or mortgage, personal clothing, or food eaten at home are a gain or benefit and, therefore, are not exempt.</p> <p>2. No portion of benefits provided under Title IV-A of the Social Security Act, to the extent such benefit is attributed to an adjustment for work related or child care expenses, except for payment or reimbursement for such expenses made under an education, employment, or training program initiated under such</p>	<p>expenses such as rent or mortgage, personal clothing, or food eaten at home are a gain or benefit and, therefore, are not exempt.</p> <p>2. No portion of benefits provided under Title IV-A of the Social Security Act, to the extent such benefit is attributed to an adjustment for work related or child care expenses, except for payment or reimbursement for such expenses made under an education, employment, or training program initiated under such Title after September 18, 1988, shall be considered exempt under this provision.</p> <p>3. The amount by which a reimbursement exceeds the actual incurred expense shall be counted as income. However, reimbursements shall not be considered to exceed actual expenses unless the provider or the household indicates the amount is excessive.</p> <p>4. Types of reimbursement for expenses include:</p> <p>a. Reimbursement or flat allowances for job or training related expenses, such as travel, per diem, uniforms, and transportation to and from the job or training site including migrant travel.</p> <p>b. Reimbursements for out of pocket expenses of volunteers incurred in the course of their work.</p> <p>c. Medical or dependent care reimbursements.</p> <p>d. Reimbursements received by households to pay for services provided by Title XX of the Social Security Act.</p> <p>e. Reimbursements made to the household for expenses necessary for participation in an education component under the Employment First program.</p>		

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		<p>Title after September 18, 1988, shall be considered exempt under this provision.</p> <p>3. The amount by which a reimbursement exceeds the actual incurred expense shall be counted as income. However, reimbursements shall not be considered to exceed actual expenses unless the provider or the household indicates the amount is excessive.</p> <p>4. Types of reimbursement for expenses include:</p> <p>a. Reimbursement or flat allowances for job or training related expenses, such as travel, per diem, uniforms, and transportation to and from the job or training site including migrant travel.</p> <p>b. Reimbursements for out of pocket expenses of volunteers incurred in the course of their work.</p> <p>c. Medical or dependent care reimbursements.</p> <p>d. Reimbursements received by households to pay for services provided by Title XX of the Social Security Act.</p> <p>e. Reimbursements made to the household for expenses necessary for participation in an education component under the Employment First program.</p> <p>K. Verification</p> <p>Documentation of exempt income may explain a household's ability to maintain itself. Verification of exempt income is necessary only if the income is questionable. For example, when it is questionable that money received is a loan, a simple statement signed by both parties must be obtained which states</p>	<p>J. Verification</p> <p>Documentation of exempt income may explain a household's ability to maintain itself. Verification of exempt income is necessary only if the income is questionable. For example, when it is questionable that money received is a loan, a simple statement signed by both parties must be obtained which states that the money is a loan and that a repayment is being made or will be made.</p> <p>If the household receives payments on a regular basis from the same source but claims that payments are loans, it may be required that the provider of the loan sign an affidavit stating that repayments are being made or will be made in accordance with an established repayment schedule.</p>		

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		<p>that the money is a loan and that a repayment is being made or will be made.</p> <p>If the household receives payments on a regular basis from the same source but claims that payments are loans, it may be required that the provider of the loan sign an affidavit stating that repayments are being made or will be made in accordance with an established repayment schedule.</p>			
4.405.1	Clarified language.	<p>Loans and Reimbursements to Students</p> <p>All education assistance including grants, scholarships, fellowships, work-study, veteran's educational benefits, and others that are awarded to a household member will be exempt from consideration as income.</p>	<p>Loans and Reimbursements to Students</p> <p>All education assistance including grants, scholarships, fellowships, work-study, veteran's educational benefits, and any other money received specifically for educational expenses are exempt from consideration as income.</p>	Section was re-written to more clearly state all education assistance income is excluded.	
4.406	Removed unnecessary cross reference.	<p>HOUSEHOLDS DESTITUTE OF INCOME</p> <p>Migrant or seasonal farm worker households may be considered destitute of income upon initial certification or recertification, but only for the first month of each certification period.</p> <p>Migrant or seasonal farm worker households may have little or no income at the time of application even though they receive income at some time during the month of application. Such households will be considered destitute and thereby entitled to expedited application processing (see Section 4.205.1), if their only income is from a terminated and/or new source under the following circumstances:</p> <p>The household's only income for the month of application was received from a terminated source prior to the date of application.</p> <p>Income is considered to be from a terminated source if it is normally received on a monthly or more frequent basis and is not expected to be received again from</p>	<p>HOUSEHOLDS DESTITUTE OF INCOME</p> <p>Migrant or seasonal farm worker households may be considered destitute of income upon initial certification or recertification, but only for the first month of each certification period.</p> <p>Migrant or seasonal farm worker households may have little or no income at the time of application even though they receive income at some time during the month of application. Such households will be considered destitute and thereby entitled to expedited application processing' if their only income is from a terminated and/or new source under the following circumstances:</p> <p>The household's only income for the month of application was received from a terminated source prior to the date of application.</p> <p>Income is considered to be from a terminated source if it is normally received on a monthly or more frequent basis and is not expected to be received again from the same source during either the remainder of the month of</p>	The citation to another section of the Food Assistance regulation is not necessary to understand the context of this citation.	

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		<p>the same source during either the remainder of the month of application or the month following (i.e., migrant work ended with one grower).</p> <p>Income that is normally received less often than monthly is considered to be from a terminated source if it is not anticipated to be received during the month in which it would normally be received (i.e., quarterly income not received in the normal third month).</p>	<p>application or the month following (i.e., migrant work ended with one grower).</p> <p>Income that is normally received less often than monthly is considered to be from a terminated source if it is not anticipated to be received during the month in which it would normally be received (i.e., quarterly income not received in the normal third month).</p>		
4.407	Updated language to align with federal regulation.	<p><b>DEDUCTIONS FROM INCOME</b></p> <p>A. Allowable deductions are subtracted from total monthly gross income to determine the household's monthly net Food Assistance income. The monthly income shall be rounded down to the lower dollar if it ends in one (1) through forty-nine (49) cents and rounded to the next dollar amount if it ends in fifty (50) through ninety-nine (99) cents before deductions are considered.</p> <p>Allowable expenses will not be deductible if covered by vendor payments such as HUD, or reimbursements, such as insurance. An expense which is covered by an excluded vendor payment that has been converted to a direct cash payment under a federally authorized demonstration project shall not be deductible.</p> <p>B. Households may elect to have fluctuating monthly expenses averaged over the certification period. Also, households have the option of having expenses that are billed less often than monthly averaged over the period the expense is intended to cover. Households may elect to have medical expenses averaged as described in Sections 4.407.6 and 4.407.61. Expenses that have been averaged are subject to the reporting requirements contained in Section 4.603.</p>	<p><b>DEDUCTIONS AND EXCLUSIONS FROM INCOME</b></p> <p>A. Allowable deductions are subtracted from total monthly gross income to determine the household's monthly net Food Assistance income. The monthly income shall be rounded down to the lower dollar if it ends in one (1) through forty-nine (49) cents and rounded to the next dollar amount if it ends in fifty (50) through ninety-nine (99) cents before deductions are considered.</p> <p>Allowable expenses will not be deductible if covered by vendor payments such as HUD, or reimbursements, such as insurance. An expense which is covered by an excluded vendor payment that has been converted to a direct cash payment under a federally authorized demonstration project shall not be deductible.</p> <p>B. Households may elect to have fluctuating monthly expenses averaged over the certification period. Also, households have the option of having expenses that are billed less often than monthly averaged over the period the expense is intended to cover. Households may elect to have medical expenses averaged as described in Sections 4.407.6 and 4.407.61. Expenses that have been averaged are subject to the reporting requirements contained in Section 4.603.</p> <p>C. Actual or averaged expenses that result in deductions for medical, dependent care, and shelter</p>	Federal regulations allow states the option of treating legally obligated child support as an income exclusion or an income deduction. Colorado has chosen to treat this income as an exclusion. Language has been updated to clearly reflect this option.	



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		<p>C. Actual or averaged expenses that result in deductions for medical, dependent care, and shelter costs shall be anticipated. Households who expect changes cannot have their expenses averaged solely on the basis of the last several bills. Expenses that are billed on a weekly or biweekly basis shall be converted to a monthly figure utilizing the conversion outlined in Section 4.402.</p> <p>D. The following subsections contain the only deductions allowed from a household's monthly income. The deductions are as follows:</p> <ol style="list-style-type: none"> <li>1. Standard deduction</li> <li>2. Earned income deduction</li> <li>3. Excess shelter deduction</li> <li>4. Dependent care deduction</li> <li>5. Legally obligated child support expense deduction</li> <li>6. Excess medical deduction</li> </ol>	<p>costs shall be anticipated. Households who expect changes cannot have their expenses averaged solely on the basis of the last several bills. Expenses that are billed on a weekly or biweekly basis shall be converted to a monthly figure utilizing the conversion outlined in Section 4.402.</p> <p>D. Legally obligated child support is considered an income exclusion</p> <p>E. The following subsections contain the only deductions allowed from a household's monthly income. The deductions are as follows:</p> <ol style="list-style-type: none"> <li>1. Standard deduction</li> <li>2. Earned income deduction</li> <li>3. Excess shelter deduction</li> <li>4. Dependent care deduction</li> <li>5. Excess medical deduction</li> </ol>		
4.407.5	Updated language to align with federal regulation.	<p>Child Support Expense Deduction</p> <p>A. A household shall receive deduction from income for legally binding child support payments made to or for non-household members. The child support deduction will be made from the household's total countable gross income and prior to any gross income test to determine eligibility. The court-ordered amount and the most recent amounts that have been paid must be verified by the household. Legally obligated child support paid by a household member under the age of eighteen (18) shall be an allowable deduction, even if the income of the child is</p>	<p>Child Support Expense Exclusion</p> <p>A. A household shall receive an exclusion from income for legally binding child support payments made to or for non-household members. The child support exclusion will be made from the household's total countable gross income and prior to any gross income test to determine eligibility. The court-ordered amount and the most recent amounts that have been paid must be verified by the household. Legally obligated child support paid by a household member under the age of eighteen (18) shall be an allowable exclusion, even if the income of the child is considered exempt under Section</p>	Federal regulations allow states the option of treating legally obligated child support as an income exclusion or an income deduction. Colorado has chosen to treat this income as	

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		<p>considered exempt under Section 4.405, C.</p> <p>B. If the noncustodial parent makes child support payments to a third party non-household member (e.g., a landlord, utility company, or health insurance organization) in accordance with the support order, the payment shall be included in the child support deduction.</p> <p>C. A deduction for amounts paid toward arrearage will be allowed. Alimony payments will not be allowed as a deduction.</p> <p>D. Households with a history of three (3) or more months of paying child support shall have the support payments averaged taking into account any anticipated changes in the legal obligation and shall use that average as the household's support deduction.</p> <p>E. For households with less than a three (3) month record, the local office shall estimate the anticipated payments and use that estimate as the household's support deduction.</p> <p>F. If the household does not report and verify its monthly child support payment or a change in its legal obligation, the child support deduction shall not be allowed.</p> <p>G. Households not certified as simplified reporting are responsible to report during the certification period any change in the legal obligation to pay child support, including termination of the obligation when a child reaches an age at which child support is no longer obligated.</p> <p>H. All households are required to report a change of twenty-five dollars (\$25) or more in the</p>	<p>4.405, C.</p> <p>B. If the noncustodial parent makes child support payments to a third party non-household member (e.g., a landlord, utility company, or health insurance organization) in accordance with the support order, the payment shall be included in the child support exclusion.</p> <p>C. A deduction for amounts paid toward arrearage will be allowed. Alimony payments will not be allowed as a deduction.</p> <p>D. Households with a history of three (3) or more months of paying child support shall have the support payments averaged taking into account any anticipated changes in the legal obligation and shall use that average as the household's support exclusion.</p> <p>E. For households with less than a three (3) month record, the local office shall estimate the anticipated payments and use that estimate as the household's support exclusion.</p> <p>F. If the household does not report and verify its monthly child support payment or a change in its legal obligation, the child support exclusion shall not be allowed.</p>	<p>an exclusion. Language has been updated to clearly reflect this option.</p> <p>Removed reference to requirements of Change Reporting, which is no longer a reporting category as all Food Assistance households are Simplified Reporting.</p>	

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		amount that was allowed for the deduction at the time of recertification or periodic report.			
4.407.6	Removed inaccurate cross-reference and added clarifying language.	<p>Excess Medical Deduction</p> <p>A household shall receive a deduction for total medical expenses in excess of thirty-five dollars (\$35) per month, incurred by any household member(s) who is elderly or disabled as defined in Section 4.304.41. Other household members who are not elderly or disabled, including spouses and dependents, cannot claim costs of their medical treatment and services.</p> <p>A. The following medical costs, less the cost of reimbursements from another source, are allowable:</p> <ol style="list-style-type: none"> <li>1. Medical and dental care including psychotherapy and rehabilitation services provided by a licensed practitioner or other qualified health professional.</li> <li>2. Hospitalization or outpatient treatment, nursing care, and nursing home care including payments by the household for an individual who was a household member immediately prior to entering a hospital or nursing home provided by a facility recognized by the Colorado Department of Public Health and Environment.</li> <li>3. Prescription drugs when prescribed by a licensed practitioner authorized under state law and other over-the-counter medication (including insulin) when approved by a licensed practitioner or other qualified health professional. Costs of medical supplies, sickroom equipment (including rental), or other prescribed equipment may also be allowable.</li> <li>4. Health and hospitalization insurance policy premiums, Medicare premiums, and any cost-sharing expenses incurred by medical recipients.</li> </ol>	<p>Excess Medical Deduction</p> <p>A household shall receive a deduction for total medical expenses in excess of thirty-five dollars (\$35) per month, incurred by any household member(s) who is elderly or disabled. Other household members who are not elderly or disabled, including spouses and dependents, cannot claim costs of their medical treatment and services.</p> <p>A. The following medical costs, less the cost of reimbursements from another source, are allowable:</p> <ol style="list-style-type: none"> <li>1. Medical and dental care including psychotherapy and rehabilitation services provided by a licensed practitioner or other qualified health professional.</li> <li>2. Hospitalization or outpatient treatment, nursing care, and nursing home care including payments by the household for an individual who was a household member immediately prior to entering a hospital or nursing home provided by a facility recognized by the Colorado Department of Public Health and Environment.</li> <li>3. Prescription drugs when prescribed by a licensed practitioner authorized under state law and other over-the-counter medication (including insulin) when approved by a licensed practitioner or other qualified health professional. Costs of medical supplies, sickroom equipment (including rental), or other prescribed equipment may also be allowable.</li> <li>4. Health and hospitalization insurance policy premiums, Medicare premiums, and any cost-sharing expenses incurred by medical recipients.</li> <li>5. Dentures, hearing aids, prosthetics, and</li> </ol>	<p>Definition of disabled is in the definition section.</p> <p>Clarified the use of the Internal Revenue Service (IRS) commercial mileage rate for medical expense deduction purposes.</p>	

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		<p>5. Dentures, hearing aids, prosthetics, and eyeglasses prescribed by a physician skilled in eye disease or by an optometrist.</p> <p>6. Securing and maintaining a service animal, such as a seeing-eye or hearing dog, including cost of food and veterinarian fees. The costs of caring for these animals may be deducted only when the animal has received special training to provide a service to the client.</p> <p>7. Reasonable transportation and lodging to obtain medical treatment or services. Mileage expenses shall be calculated based on the prevailing Internal Revenue Service (IRS) mileage rate used for medical purposes.</p> <p>8. Wages to an attendant, homemaker, home health aide, child care services, or a housekeeper necessary due to age, infirmity, or illness. In addition, an amount equal to the maximum allotment for one (1) person is allowed if the household furnishes the majority of the attendant's meals. The allotment shall be the one in effect at the time of certification with an appropriate adjustment at the next certification.</p> <p>If attendant care costs qualify under both medical and dependent care deduction, the costs shall be allowed as a medical expense.</p>	<p>eyeglasses prescribed by a physician skilled in eye disease or by an optometrist.</p> <p>6. Securing and maintaining a service animal, such as a seeing-eye or hearing dog, including cost of food and veterinarian fees. The costs of caring for these animals may be deducted only when the animal has received special training to provide a service to the client.</p> <p>7. Reasonable transportation and lodging to obtain medical treatment or services. Mileage expenses shall be calculated based on the prevailing Internal Revenue Service (IRS) commercial mileage rate.</p> <p>8. Wages to an attendant, homemaker, home health aide, child care services, or a housekeeper necessary due to age, infirmity, or illness. In addition, an amount equal to the maximum allotment for one (1) person is allowed if the household furnishes the majority of the attendant's meals. The allotment shall be the one in effect at the time of certification with an appropriate adjustment at the next certification.</p> <p>If attendant care costs qualify under both medical and dependent care deduction, the costs shall be allowed as a medical expense.</p>		
4.408	Removed inaccurate cross-reference and duplicative language.	<p>RESOURCE ELIGIBILITY STANDARDS</p> <p>A. The local office shall consider households eligible under either expanded or basic categorical eligibility as outlined in Section 4.206 to have satisfied the resource eligibility criteria of this section. For households eligible under either basic or expanded categorical eligibility, the case shall be documented to show that all household members have been</p>	<p>RESOURCE ELIGIBILITY STANDARDS</p> <p>A. The local office shall consider households eligible under either expanded or basic categorical eligibility to have satisfied the resource eligibility criteria of this section.</p> <p>B. Households that do not meet expanded or basic categorical eligibility criteria shall have their</p>	The removed language and cross-references are duplicative and are not necessary to understand the context of this citation.	

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		<p>approved for and/or are receiving benefits from the program that confers basic categorical eligibility.</p> <p>B. Households that do not meet expanded or basic categorical eligibility criteria shall have their nonexempt resources, as anticipated to be available in the issuance month, used to determine household eligibility. See Section 4.409 for what is considered a non-exempt resource.</p> <p>For how resources of non-household members and disqualified members are handled, refer to Section 4.411.</p> <p>The resources of a sponsor and spouse considered toward a non-citizen household shall be the sponsor's total resources less two thousand dollars (\$2,000). See Section 4.411.</p> <p>C. The value of liquid resources, as declared by the household, shall be utilized in the determination of expedited eligibility for all applicant households.</p> <p>D. As a result of the Food, Conservation and Energy Act of 2008, adjustments to the Food Assistance resource limit will be subject to change annually according to the Consumer Price Index. There are currently two (2) resource limits:</p> <ol style="list-style-type: none"> <li>1. One established for households that do contain a member who is elderly and/or a person with a disability; and,</li> <li>2. Another established for households that do not contain a member who is elderly and/or a person with a disability.</li> </ol> <p>An elderly member is a member who is sixty (60) years of age or older. A disabled member is defined in</p>	<p>nonexempt resources, as anticipated to be available in the issuance month, used to determine household eligibility.</p> <p>The resources of a sponsor and spouse considered toward a non-citizen household shall be the sponsor's total resources less two thousand dollars (\$2,000).</p> <p>C. The value of liquid resources, as declared by the household, shall be utilized in the determination of expedited eligibility for all applicant households.</p> <p>D. As a result of the Food, Conservation and Energy Act of 2008, adjustments to the Food Assistance resource limit will be subject to change annually according to the Consumer Price Index. There are currently two (2) resource limits:</p> <ol style="list-style-type: none"> <li>1. One established for households that do contain a member who is elderly and/or a person with a disability; and,</li> <li>2. Another established for households that do not contain a member who is elderly and/or a person with a disability.</li> </ol> <p>E. The resource limits are as follows:</p> <p>Effective October 1, 2017, the resource limit for households that do contain a member who is elderly and/or a person with a disability is three thousand five hundred (\$3,500). The resource limit for households that do not contain a member who is elderly and/or a person with a disability is two thousand two hundred fifty dollars (\$2,250).</p>		

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		Section 4.304.41.  E. The resource limits are as follows:  Effective October 1, 2017, the resource limit for households that do contain a member who is elderly and/or a person with a disability is three thousand five hundred (\$3,500). The resource limit for households that do not contain a member who is elderly and/or a person with a disability is two thousand two hundred fifty dollars (\$2,250).			
4.408.1	Removed unnecessary cross-references.	Determining the Value of Resources  The value of nonexempt household resources at the time the application is filed must be determined from applicant statements, documents, and/or from collateral contacts when household assessment is uncertain or questionable. See Section 4.409 for what is considered a non-exempt resource.  A. Valuation of Liquid Resources  The value of liquid resources is the current redemption rate less encumbrances. For further explanation of liquid and non-liquid resources, see Section 4.409.  B. Valuation of Non-Liquid Resources  Except for real property, non-exempt non-liquid resources shall have a fair market value as determined from the best source available (such as, but not limited to, blue book, local dealer, or equivalent verifiable Internet web site) less verified encumbrances. If warranted, the eligibility worker should adjust the market value for poor or unusable condition of the property before assigning a resource value. The eligibility worker shall annotate the case record to show source and computation used to determine resource value.	Determining the Value of Resources  The value of nonexempt household resources at the time the application is filed must be determined from applicant statements, documents, and/or from collateral contacts when household assessment is uncertain or questionable.  A. Valuation of Liquid Resources  The value of liquid resources is the current redemption rate less encumbrances.  B. Valuation of Non-Liquid Resources  Except for real property, non-exempt non-liquid resources shall have a fair market value as determined from the best source available (such as, but not limited to, blue book, local dealer, or equivalent verifiable Internet web site) less verified encumbrances. If warranted, the eligibility worker should adjust the market value for poor or unusable condition of the property before assigning a resource value. The eligibility worker shall annotate the case record to show source and computation used to determine resource value.  The value of real property, such as buildings, land, or vacation property, unless exempt as income producing,	The removed cross-references are duplicative and are not necessary to understand the context of this citation.	

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		<p>The value of real property, such as buildings, land, or vacation property, unless exempt as income producing in accordance with Section 4.410, E, may be obtained by using the actual value reported by a county assessor or, if not reported, the current assessed valuation, accomplished in accordance with state law, and dividing the value by the appropriate percentage rate of assessment for real property to derive fair market value and subtracting the amount the household currently owes on the property.</p>	<p>may be obtained by using the actual value reported by a county assessor or, if not reported, the current assessed valuation, accomplished in accordance with state law, and dividing the value by the appropriate percentage rate of assessment for real property to derive fair market value and subtracting the amount the household currently owes on the property.</p>		
4.408.2	Removed unnecessary cross-reference.	<p>Transfer of Resources</p> <p>At the time of application, households not eligible under expanded or basic categorical eligibility rules shall be asked to provide information regarding any resources which any household member, ineligible non-citizen, or disqualified person whose resources are being considered available to the household has transferred within the three (3) month period immediately preceding the date of application. Households that have transferred resources knowingly for the purpose of qualifying or attempting to qualify for Food Assistance benefits shall be disqualified from participation in the program for up to one (1) year from the date of discovery of the transfer. This disqualification period shall be applied if the resources are transferred knowingly in the three (3) month period prior to application, or if they are transferred knowingly after the household is determined eligible for benefits.</p> <p>A. Eligibility for the program shall not be affected by the following transfers:</p> <p>1. Resources that would not otherwise affect eligibility, such as resources consisting of excluded person property such as furniture, or of money that when added to other household resources, totaled</p>	<p>Transfer of Resources</p> <p>At the time of application, households not eligible under expanded or basic categorical eligibility rules shall be asked to provide information regarding any resources which any household member, ineligible non-citizen, or disqualified person whose resources are being considered available to the household has transferred within the three (3) month period immediately preceding the date of application. Households that have transferred resources knowingly for the purpose of qualifying or attempting to qualify for Food Assistance benefits shall be disqualified from participation in the program for up to one (1) year from the date of discovery of the transfer. This disqualification period shall be applied if the resources are transferred knowingly in the three (3) month period prior to application, or if they are transferred knowingly after the household is determined eligible for benefits.</p> <p>A. Eligibility for the program shall not be affected by the following transfers:</p> <p>1. Resources that would not otherwise affect eligibility, such as resources consisting of excluded person property such as furniture, or of money that when added to other household resources, totaled less at the time of the transfer than the allowable resource limits.</p>	The removed cross-reference is not necessary to understand the context of this citation.	

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		<p>less at the time of the transfer than the allowable resource limits.</p> <p>2. Resources that are sold or traded at, or near, fair market value.</p> <p>3. Resources that are transferred between members of the same household including ineligible non-citizens or disqualified individuals whose resources are being considered available to the household.</p> <p>4. Resources that are transferred for reasons other than qualifying or attempting to qualify for Food Assistance benefits, for example a parent placing funds into an educational trust fund described in Section 4.410, F.</p>	<p>2. Resources that are sold or traded at, or near, fair market value.</p> <p>3. Resources that are transferred between members of the same household including ineligible non-citizens or disqualified individuals whose resources are being considered available to the household.</p> <p>4. Resources that are transferred for reasons other than qualifying or attempting to qualify for Food Assistance benefits, for example a parent placing funds into an educational trust fund.</p>		
4.410(F)(3)(e)	Removed unnecessary cross-reference.	<p>F. Inaccessible Resources</p> <p>3. Any funds in a trust or transferred to a trust, and the income produced by that trust shall be considered inaccessible to the household if:</p> <p>a. The trust arrangement will not likely cease during the certification period, and no household member has the power to revoke the trust arrangement or change the name of the beneficiary during the certification period.</p> <p>b. The trustee administering the funds is either a court, an institution, corporation or organization which is not under the direction or leadership of any household member; or an individual appointed by the court who has court imposed limitation placed on his/her use of funds which meet requirements of this section.</p> <p>c. The trust investments made on behalf of the trust do not directly involve or assist any business or</p>	<p>F. Inaccessible Resources</p> <p>3. Any funds in a trust or transferred to a trust, and the income produced by that trust shall be considered inaccessible to the household if:</p> <p>a. The trust arrangement will not likely cease during the certification period, and no household member has the power to revoke the trust arrangement or change the name of the beneficiary during the certification period.</p> <p>b. The trustee administering the funds is either a court, an institution, corporation or organization which is not under the direction or leadership of any household member; or an individual appointed by the court who has court imposed limitation placed on his/her use of funds which meet requirements of this section.</p> <p>c. The trust investments made on behalf of the trust do not directly involve or assist any business or corporation under the control, direction, or influence of a</p>	The removed cross-reference is not necessary to understand the context of this citation.	



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		<p>corporation under the control, direction, or influence of a household member.</p> <p>d. The funds held in irrevocable trust are either established from household's own funds and are used solely to make investments on behalf of the trust or to pay educational or medical expenses of persons named by the household creating the trust; or established from non-household funds by a non-household member.</p> <p>e. Monies which are withdrawn from trust and dividends that are or could be received by the household shall be considered as income (see Section 4.404, I).</p>	<p>household member.</p> <p>d. The funds held in irrevocable trust are either established from household's own funds and are used solely to make investments on behalf of the trust or to pay educational or medical expenses of persons named by the household creating the trust; or established from non-household funds by a non-household member.</p> <p>e. Monies which are withdrawn from trust and dividends that are or could be received by the household shall be considered as income.</p>		
4.411.1	Removed unnecessary cross-references.	<p>Treatment of Income and Resources of Disqualified and/or Sanctioned Members</p> <p>A. Individual household members may be disqualified for being ineligible non-citizens, for failure or refusal to obtain or provide a Social Security Number (SSN), for intentional Program violation/fraud, for being a fleeing felon, for failing to comply with a work requirement, or for being a sanctioned ABAWD (Able Bodied Adult Without Dependents) who has received three (3) months of Food Assistance benefits within a thirty-six (36) month period.</p> <p>B. During the period of time a household member is disqualified, the eligibility and benefit level of any remaining members shall be determined as follows:</p> <p>1. Households containing members disqualified for Intentional Program Violation or fraud, or a work requirement sanction, or classified as a fleeing felon:</p> <p>a. Income, Resources, and Deductible Expenses</p>	<p>Treatment of Income and Resources of Disqualified and/or Sanctioned Members</p> <p>A. Individual household members may be disqualified for being ineligible non-citizens, for failure or refusal to obtain or provide a Social Security Number (SSN), for intentional Program violation/fraud, for being a fleeing felon, for failing to comply with a work requirement, or for being a sanctioned ABAWD (Able Bodied Adult Without Dependents) who has received three (3) months of Food Assistance benefits within a thirty-six (36) month period.</p> <p>B. During the period of time a household member is disqualified, the eligibility and benefit level of any remaining members shall be determined as follows:</p> <p>1. Households containing members disqualified for Intentional Program Violation or fraud, or a work requirement sanction, or classified as a fleeing felon:</p> <p>a. Income, Resources, and Deductible Expenses</p> <p>The income and resources of the disqualified household</p>	The removed cross-references are not necessary to understand the context of this citation.	

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		<p>The income and resources of the disqualified household member(s) shall be counted in their entirety. Resources shall only be considered if the household is required to meet the resource standard as specified in Section 4.408. The allowable earned income, standard, medical, dependent care, and shelter deductions shall be allowed in their entirety.</p> <p>b. Eligibility and Benefit Level</p> <p>The disqualified member shall not be included when determining the household's size for purposes of assigning a benefit level to the household. The disqualified household member will not be included when determining the household size for comparison against any eligibility standard, which includes the gross income and net income eligibility limits or the resource eligibility limits.</p> <p>See Section 4.401.1 "for the gross income eligibility limits, Section 4.401.2 for the net income eligibility limits, and Section 4.408 for the resource eligibility limits.</p> <p>2. Households containing members disqualified for being an ineligible non-citizen, for failure or refusal to obtain or provide a Social Security Number (SSN), or sanctioned as an able bodied adult without dependents (ABAWD) who has received three (3) months of Food Assistance benefits in a thirty six (36) month period:</p> <p>a. Resources</p> <p>The resources of the disqualified and/or sanctioned member(s) shall be counted in their entirety to the remaining household members if the household is required to meet the resource standard as specified in</p>	<p>member(s) shall be counted in their entirety. Resources shall only be considered if the household is required to meet the resource standard. The allowable earned income, standard, medical, dependent care, and shelter deductions shall be allowed in their entirety.</p> <p>b. Eligibility and Benefit Level</p> <p>The disqualified member shall not be included when determining the household's size for purposes of assigning a benefit level to the household. The disqualified household member will not be included when determining the household size for comparison against any eligibility standard, which includes the gross income and net income eligibility limits or the resource eligibility limits.</p> <p>2. Households containing members disqualified for being an ineligible non-citizen, for failure or refusal to obtain or provide a Social Security Number (SSN), or sanctioned as an able bodied adult without dependents (ABAWD) who has received three (3) months of Food Assistance benefits in a thirty six (36) month period:</p> <p>a. Resources</p> <p>The resources of the disqualified and/or sanctioned member(s) shall be counted in their entirety to the remaining household members if the household is required to meet the resource standard.</p> <p>b. Income</p> <p>A pro rata share of the nonexempt income of the disqualified and/or sanctioned member(s) shall be counted as income to the remaining members. This pro rata share is calculated by dividing the income evenly among the household members, including, the disqualified member. All but the disqualified member's</p>		

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		<p>Section 4.408.</p> <p>b. Income</p> <p>A pro rata share of the nonexempt income of the disqualified and/or sanctioned member(s) shall be counted as income to the remaining members. This pro rata share is calculated by dividing the income evenly among the household members, including, the disqualified member. All but the disqualified member's share is counted as income to the remaining household members.</p> <p>If an ineligible non-citizen is also an ineligible student and purchases and prepares food with the household, the individual's income shall be prorated under the ineligible non-citizen provisions.</p> <p>c. Deductible Expenses</p> <p>The earned income deduction shall apply to the prorated income earned by the disqualified and/or sanctioned member that is attributed to the household. That portion of the household's allowable shelter and dependent care expenses which are either paid by or billed to the disqualified member shall be divided evenly among the household members, including the disqualified member. Legally obligated child support payments are deducted before prorating income. The shelter expense will be prorated except for the standard utility allowance (SUA). The full SUA will be added to the other prorated shelter components if the household qualifies for the SUA. All but the disqualified member's share is counted as a deductible expense for the remaining household members.</p> <p>d. Eligibility and Benefit Level</p>	<p>share is counted as income to the remaining household members.</p> <p>If an ineligible non-citizen is also an ineligible student and purchases and prepares food with the household, the individual's income shall be prorated under the ineligible non-citizen provisions.</p> <p>c. Deductible Expenses</p> <p>The earned income deduction shall apply to the prorated income earned by the disqualified and/or sanctioned member that is attributed to the household. That portion of the household's allowable shelter and dependent care expenses which are either paid by or billed to the disqualified member shall be divided evenly among the household members, including the disqualified member. Legally obligated child support payments are deducted before prorating income. The shelter expense will be prorated except for the standard utility allowance (SUA). The full SUA will be added to the other prorated shelter components if the household qualifies for the SUA. All but the disqualified member's share is counted as a deductible expense for the remaining household members.</p> <p>d. Eligibility and Benefit Level</p> <p>The disqualified and/or sanctioned member shall not be included when determining the household's size for purposes of assigning a benefit level to the household. The disqualified or sanctioned household member will not be included when determining the household size for comparison against any eligibility standard, which includes the gross income, the net income eligibility limits, or the resource eligibility limits.</p>		

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		<p>The disqualified and/or sanctioned member shall not be included when determining the household's size for purposes of assigning a benefit level to the household. The disqualified or sanctioned household member will not be included when determining the household size for comparison against any eligibility standard, which includes the gross income, the net income eligibility limits, or the resource eligibility limits.</p> <p>See Section 4.401.1 for the gross income eligibility limits, Section 4.401.2 for the net income eligibility limits, and Section 4.408 for the resource eligibility limits</p>			
4.500	Removed unnecessary cross-reference and inaccurate language.	<p><b>VERIFICATION AND DOCUMENTATION</b></p> <p>A. Verification is the use of documentary evidence or a contact with a third party to confirm information and to establish the accuracy of statements on the application form, redetermination form, periodic report form, change report form, or information presented during the interview.</p> <p>B. The case record shall consist of statements and documentation regarding the sources and results of verification used to determine a household's eligibility. Such statements must be sufficiently detailed to support the determination of eligibility or ineligibility and to permit a reviewer to determine the reasonableness of the eligibility worker's determination. When making a decision of ineligibility, the case record must clearly indicate the reason for denial or termination and the verification used in making the decision. If information is considered questionable or if an alternate source of verification was requested, the reason for additional verification shall be documented in the case record.</p> <p>The case record shall also contain all correspondence</p>	<p><b>VERIFICATION AND DOCUMENTATION</b></p> <p>A. Verification is the use of documentary evidence or a contact with a third party to confirm information and to establish the accuracy of statements provided by the household.</p> <p>B. The case record shall consist of statements and documentation regarding the sources and results of verification used to determine a household's eligibility. Such statements must be sufficiently detailed to support the determination of eligibility or ineligibility and to permit a reviewer to determine the reasonableness of the eligibility worker's determination. When making a decision of ineligibility, the case record must clearly indicate the reason for denial or termination and the verification used in making the decision. If information is considered questionable or if an alternate source of verification was requested, the reason for additional verification shall be documented in the case record.</p> <p>The case record shall also contain all correspondence pertaining to fair hearings and administrative disqualification hearings.</p>	<p>Removed reference to the Change Report as this is a requirement of Change Reporting, which is no longer a reporting category as all Food Assistance households are Simplified Reporting.</p> <p>The removed cross-references are not necessary to understand the context of this citation.</p>	

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		<p>pertaining to fair hearings and administrative disqualification hearings.</p> <p>Information to retain in the case record for fair hearings shall include, at a minimum, the household's request for a fair hearing, the scheduling notice with the hearing date and time, all decisions pertaining to the fair hearing, and any exceptions filed by the county department or the household.</p> <p>Information to retain in the case record for administrative disqualification hearings (ADH) shall include, at a minimum, the notice to the individual of the alleged intentional program violation (IPV)/fraud, any notice given to the household waiving the household's right to a disqualification hearing, the scheduling notice of the disqualification hearing if the waiver is not signed and returned, all decisions issued regarding the outcome of the ADH hearing, and the disqualification notice sent to the household notifying the individual of the disqualification period.</p> <p>C. The local office shall provide each household at the time of application for initial certification, redetermination, and periodic report form with a notice that informs the household of verification requirements that the household must meet as part of the application, redetermination, or periodic report process. The notice will inform the household that the local office will assist the household in obtaining verification, provided the household is cooperating with the office. The notice shall be written in clear and simple language and shall meet bilingual requirements.</p> <p>D. The household has the primary responsibility for providing documentary evidence for required verification and to resolve questionable information. The local office shall assist the household to obtain</p>	<p>Information to retain in the case record for fair hearings shall include, at a minimum, the household's request for a fair hearing, the scheduling notice with the hearing date and time, all decisions pertaining to the fair hearing, and any exceptions filed by the county department or the household.</p> <p>Information to retain in the case record for administrative disqualification hearings (ADH) shall include, at a minimum, the notice to the individual of the alleged intentional program violation (IPV)/fraud, any notice given to the household waiving the household's right to a disqualification hearing, the scheduling notice of the disqualification hearing if the waiver is not signed and returned, all decisions issued regarding the outcome of the ADH hearing, and the disqualification notice sent to the household notifying the individual of the disqualification period.</p> <p>C. The local office shall provide each household at the time of application for initial certification, redetermination, and periodic report form with a notice that informs the household of verification requirements that the household must meet as part of the application, redetermination, or periodic report process. The notice will inform the household that the local office will assist the household in obtaining verification, provided the household is cooperating with the office. The notice shall be written in clear and simple language and shall meet bilingual requirements.</p> <p>D. The household has the primary responsibility for providing documentary evidence for required verification and to resolve questionable information. The local office shall assist the household to obtain the necessary documentation provided the household is cooperating with the local office.</p> <p>E. The household shall also be determined</p>		

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		<p>the necessary documentation provided the household is cooperating with the local office.</p> <p>E. The household shall also be determined ineligible if it refused to cooperate in any subsequent review of its eligibility, including reviews generated by reported changes, recertifications, or as part of a quality control review in accordance with Section 4.903.42.</p> <p>Detailed information regarding the verification of individual eligibility criteria will be found in the appropriate section below.</p>	<p>ineligible if it refused to cooperate in any subsequent review of its eligibility, including reviews generated by reported changes, recertifications, or as part of a quality control review.</p>		
4.501	Removed unnecessary cross-reference.	<p><b>PRUDENT PERSON PRINCIPLE</b></p> <p>The rules contained herein are intended to be sufficiently flexible to allow the eligibility worker to exercise reasonable judgment in executing his/her responsibilities.</p> <p>In this regard, the prudent person principle may be applied. The term prudent person principle refers to reasonable judgments made by an individual in a given case. In making an eligibility decision, the eligibility worker should consider whether his/her judgment is reasonable, based on experience and knowledge of the program. The eligibility worker is also responsible for exercising reasonable judgment in determining if a given number of individuals applying for Food Assistance fit the Program's definition of a household, as defined in Section 4.100.</p>	<p><b>PRUDENT PERSON PRINCIPLE</b></p> <p>The rules contained herein are intended to be sufficiently flexible to allow the eligibility worker to exercise reasonable judgment in executing his/her responsibilities.</p> <p>In this regard, the prudent person principle may be applied. The term prudent person principle refers to reasonable judgments made by an individual in a given case. In making an eligibility decision, the eligibility worker should consider whether his/her judgment is reasonable, based on experience and knowledge of the program.</p>	The removed cross-reference is not necessary to understand the context of this citation.	
4.502	Removed unnecessary cross-reference.	<p><b>VERIFICATION REQUIREMENTS AT APPLICATION, REDETERMINATION, AND PERIODIC REPORT</b></p> <p>A. Verification Requirements at Application</p> <p>1. Expedited Service Requirements</p> <p>Only verification of the identity of the applicant is</p>	<p><b>VERIFICATION REQUIREMENTS AT APPLICATION, REDETERMINATION, AND PERIODIC REPORT</b></p> <p>A. Verification Requirements at Application</p> <p>1. Expedited Service Requirements</p> <p>Only verification of the identity of the applicant is</p>	The removed cross-references are not necessary to understand the context of this citation.	

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		<p>required. When an authorized representative applies on behalf of a household, the identity of both the authorized representative and the head of household shall be verified. No requirement for a specific document may be imposed. Client declaration of Social Security Number(s) and residency shall be accepted.</p> <p>Client declaration of other household circumstances shall be accepted when determining eligibility for expedited service, and verification of any client-declared information shall be postponed in accordance with Section 4.205.11, B, and verified prior to certification as outlined below. See also Section 4.205.1</p> <p>2. The following information shall be verified prior to certification:</p> <p>a. Identity of the applicant;</p> <p>b. Household's gross nonexempt income;</p> <p>c. Information available through IEVS, including Social Security Numbers (SSNs) for all household members;</p> <p>d. Non-citizen status of persons identified as non-citizens on the application;</p> <p>e. Residency, except for homeless households, or households newly arrived in the state or county for whom third-party verification cannot reasonably be obtained.</p> <p>3. The household shall be given a reasonable opportunity to submit verification of certain expenses in order to receive expense deductions. If a deductible expense must be verified and obtaining verification</p>	<p>required. When an authorized representative applies on behalf of a household, the identity of both the authorized representative and the head of household shall be verified. No requirement for a specific document may be imposed. Client declaration of Social Security Number(s) and residency shall be accepted.</p> <p>Client declaration of other household circumstances shall be accepted when determining eligibility for expedited service, and verification of any client-declared information shall be postponed, and verified prior to certification.</p> <p>2. The following information shall be verified prior to certification:</p> <p>a. Identity of the applicant;</p> <p>b. Household's gross nonexempt income;</p> <p>c. Information available through IEVS, including Social Security Numbers (SSNs) for all household members;</p> <p>d. Non-citizen status of persons identified as non-citizens on the application;</p> <p>e. Residency, except for homeless households, or households newly arrived in the state or county for whom third-party verification cannot reasonably be obtained.</p> <p>3. The household shall be given a reasonable opportunity to submit verification of certain expenses in order to receive expense deductions and exclusions. If a deductible expense must be verified and obtaining verification may delay the household's certification, the local office shall advise the household that the household's eligibility and benefit level will be</p>		

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		<p>may delay the household's certification, the local office shall advise the household that the household's eligibility and benefit level will be determined without providing a deduction for the claimed but unverified expense. If the expense cannot be verified within thirty (30) calendar days of the date of application, the local office shall determine the household's eligibility and benefit level without providing a deduction for the unverified expense.</p> <p>a. Allowable medical expenses less reimbursement;</p> <p>b. Legally-obligated child support payments;</p> <p>c. Dependent care expenses; and,</p> <p>4. For households eligible under basic or expanded categorical eligibility rules, verification of resources, gross and net income, SSN information, sponsored non-citizen information, and residency beyond that gathered by the public assistance program that confers eligibility shall not be required unless these eligibility factors are not already collected and verified by the other program, are considered questionable, or are unavailable to the Food Assistance Program. The local office shall verify that each member receives benefits or services from the program that confers basic or expanded categorical eligibility.</p> <p>5. For households subject to an asset test, the household's written declaration of resources in excess of the resource limit is an acceptable form of verification. Verification Requirements at Redetermination and Periodic Report</p>	<p>determined without providing a deduction or exclusion for the claimed but unverified expense. If the expense cannot be verified within thirty (30) calendar days of the date of application, the local office shall determine the household's eligibility and benefit level without providing a deduction or exclusion for the unverified expense.</p> <p>a. Allowable medical expenses less reimbursement;</p> <p>b. Legally-obligated child support payments;</p> <p>c. Dependent care expenses; and,</p> <p>4. For households eligible under basic or expanded categorical eligibility rules, verification of resources, gross and net income, SSN information, sponsored non-citizen information, and residency beyond that gathered by the public assistance program that confers eligibility shall not be required unless these eligibility factors are not already collected and verified by the other program, are considered questionable, or are unavailable to the Food Assistance Program. The local office shall verify that each member receives benefits or services from the program that confers basic or expanded categorical eligibility.</p> <p>5. For households subject to an asset test, the household's written declaration of resources in excess of the resource limit is an acceptable form of verification. Verification Requirements at Redetermination and Periodic Report</p> <p>B. Verification Requirements at Redetermination and Periodic Report</p> <p>1. Eligibility factors not verified by the Income and</p>		



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		<p>B. Verification Requirements at Redetermination and Periodic Report</p> <p>1. Eligibility factors not verified by the Income and Eligibility Verification System (IEVS) should be verified at redetermination only if they are incomplete, inaccurate, questionable, inconsistent, or outdated and would affect a household's eligibility or benefit level. Unchanged information shall not be verified unless the information is outdated.</p> <p>2. A change in total monthly earned income of one hundred dollars (\$100) or more for each member must be verified at redetermination.</p> <p>3. At redetermination, all households shall verify the following information if the source has changed or the amount has changed by more than twenty-five dollars (\$25) since the last time they were verified:</p> <ul style="list-style-type: none"> <li>a. Changes in unearned income;</li> <li>b. Allowable medical expenses SEE SECTION 4.407.61(B).;</li> <li>c. Legally-obligated child support;</li> <li>d. Dependent care expenses;</li> <li>e. Verification of the above factors, is optional if information is unchanged or changes by twenty five dollars (\$25) or less.</li> </ul> <p>4. A reported Social Security Number(s) not verified at initial certification and newly obtained Social Security Numbers shall be verified through the IEVS OR SOLQ-I.</p> <p>5. For households subject to an asset test, the</p>	<p>Eligibility Verification System (IEVS) should be verified at redetermination only if they are incomplete, inaccurate, questionable, inconsistent, or outdated and would affect a household's eligibility or benefit level. Unchanged information shall not be verified unless the information is outdated.</p> <p>2. A change in total monthly earned income of one hundred dollars (\$100) or more for each member must be verified at redetermination.</p> <p>3. At redetermination, all households shall verify the following information if the source has changed or the amount has changed by more than twenty-five dollars (\$25) since the last time they were verified:</p> <ul style="list-style-type: none"> <li>a. Changes in unearned income;</li> <li>b. Allowable medical expenses;</li> <li>c. Legally-obligated child support;</li> <li>d. Dependent care expenses;</li> <li>e. Verification of the above factors, is optional if information is unchanged or changes by twenty five dollars (\$25) or less.</li> </ul> <p>4. A reported Social Security Number(s) not verified at initial certification and newly obtained Social Security Numbers shall be verified through the IEVS OR SOLQ-I.</p> <p>5. For households subject to an asset test, the household's written declaration of resources in excess of the resource limit is an acceptable form of verification.</p> <p>6. If there has been a change in a deductible expense that must be verified and obtaining verification</p>		

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		<p>household's written declaration of resources in excess of the resource limit is an acceptable form of verification.</p> <p>6. If there has been a change in a deductible expense that must be verified and obtaining verification delays the household's redetermination processing, the local office shall advise the household that the household's eligibility and benefit level will be determined without providing a deduction for the claimed but unverified expense.</p> <p>C. Verification Requirements of Reported Changes</p> <p>For the verification requirements for reported changes, see Section 4.604.1.</p>	<p>delays the household's redetermination processing, the local office shall advise the household that the household's eligibility and benefit level will be determined without providing a deduction for the claimed but unverified expense.</p>		
4.504	Removed unnecessary language.	<p>SOURCES OF VERIFICATION</p> <p>The local office shall accept any pertinent documentary evidence provided by the household and shall be primarily concerned with how adequately the verification proves the statements on the application, redetermination, periodic report form, or change report form. If written verification cannot be obtained, the eligibility worker shall substitute an acceptable collateral contact or a scheduled home visit. Home visits shall be used as verification only if documentation cannot be obtained and the visit is scheduled in advance with the household. Home visits are to be used on a case-by-case basis where the supplied documentation or verification is insufficient.</p>	<p>SOURCES OF VERIFICATION</p> <p>The local office shall accept any pertinent documentary evidence provided by the household and shall be primarily concerned with how adequately the verification proves the statements on the application, redetermination, periodic report form, or change report form. If written verification cannot be obtained, the eligibility worker shall substitute an acceptable collateral contact.</p>	Information on home visits for verification is redundant here as it is described in 4.504.3.	
4.504.6	Removed unnecessary language and cross-references.	<p>Information Considered Verified Upon Receipt</p> <p>A. Verified upon receipt is a term given to a state-prescribed list of specific information that comes directly from the primary source of the information and is free from question.</p>	<p>Information Considered Verified Upon Receipt</p> <p>A. Verified upon receipt is a term given to a state-prescribed list of specific information that comes directly from the primary source of the information and is free from question.</p>	'D' has been removed as any overpayment can result in claims as specified in	

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		<p>B. Information that is considered verified upon receipt shall be acted upon for both simplified reporting households and non-simplified reporting households. Information considered verified upon receipt shall be acted on at the time of application, recertification, periodic report, and during a household's certification period if the information causes a change in the Food Assistance benefit amount. A household shall not be convicted of fraud for not reporting a change in information it is not required to report in accordance with Section 4.603.</p> <p>C. Information considered verified upon receipt shall be considered verified unless the office has reason to believe that the information may be inaccurate. Advance notice of adverse action shall be given when acting on information that is considered verified upon receipt, except as noted in Section 4.608.1.</p> <p>D. Administrative Error Claims may be established as a result of information considered verified upon receipt.</p> <p>E. The local office shall consider only the following information as verified upon receipt:</p> <p>1. Social Security and SSI benefit amounts obtained from SSA.</p> <p>SSI and benefit amounts obtained from the SSA are considered reported and verified on the day the information is first known to the agency, either through the IEVS, SDX, BENDEX or another automated interface of information, whichever is sooner.</p> <p>2. Death information received from the Burial Assistance program.</p>	<p>B. Information that is considered verified upon receipt shall be acted upon for both simplified reporting households and non-simplified reporting households. Information considered verified upon receipt shall be acted on at the time of application, recertification, periodic report, and during a household's certification period if the information causes a change in the Food Assistance benefit amount. A household shall not be convicted of fraud for not reporting a change in information it is not required to report.</p> <p>C. Information considered verified upon receipt shall be considered verified unless the office has reason to believe that the information may be inaccurate. Advance notice of adverse action shall be given when acting on information that is considered verified upon receipt, except as noted in Section 4.608.1.</p> <p>D. The local office shall consider only the following information as verified upon receipt:</p> <p>1. Social Security and SSI benefit amounts obtained from SSA.</p> <p>SSI and benefit amounts obtained from the SSA are considered reported and verified on the day the information is first known to the agency, either through the IEVS, SDX, BENDEX or another automated interface of information, whichever is sooner.</p> <p>2. Death information received from the Burial Assistance program.</p> <p>Death information received from the Burial Assistance program is considered reported and verified on the day the information is first known to the agency.</p> <p>3. Unemployment insurance benefits that are</p>	<p>4.801.</p> <p>The removed cross-references are not necessary to understand the context of this citation.</p>	

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		<p>Death information received from the Burial Assistance program is considered reported and verified on the day the information is first known to the agency.</p> <p>3. Unemployment insurance benefits that are reported through the IEVS and obtained through the Department of Labor and Employment (DOLE).</p> <p>The unemployment insurance benefit (UIB) information shall be considered reported and verified on the date of the IEVS notification. Advance notice of adverse action shall be given when acting on the change in information.</p> <p>4. Public Assistance (PA) benefit amounts (Colorado Works, Aid to the Needy Disabled (AND), Old Age Pension (OAP), Aid to the Blind (AB), and Colorado Supplement to SSI) obtained from the State Department.</p> <p>Such information shall be considered reported and verified on the day the public assistance benefit amount is authorized.</p> <p>5. Information that is reported and verified to a public assistance program which results in a change to the PA benefit amount and that meets the Food Assistance regulations for verification as specified in Section 4.500.</p> <p>Such information shall be considered reported and verified on the day the public assistance program processes the change and authorizes the new PA benefit amount.</p> <p>6. Child support income and expense amounts obtained through the Automated Child Support Enforcement System (ACSES).</p>	<p>reported through the IEVS and obtained through the Department of Labor and Employment (DOLE).</p> <p>The unemployment insurance benefit (UIB) information shall be considered reported and verified on the date of the IEVS notification. Advance notice of adverse action shall be given when acting on the change in information.</p> <p>4. Public Assistance (PA) benefit amounts (Colorado Works, Aid to the Needy Disabled (AND), Old Age Pension (OAP), Aid to the Blind (AB), and Colorado Supplement to SSI) obtained from the State Department.</p> <p>Such information shall be considered reported and verified on the day the public assistance benefit amount is authorized.</p> <p>5. Information that is reported and verified to a public assistance program which results in a change to the PA benefit amount and that meets the Food Assistance regulations for verification.</p> <p>Such information shall be considered reported and verified on the day the public assistance program processes the change and authorizes the new PA benefit amount.</p> <p>6. Child support income and expense amounts obtained through the Automated Child Support Enforcement System (ACSES).</p> <p>Such information is considered reported and verified on the day the information is reported through an automated interface with ACSES.</p> <p>7. Non-compliance information obtained from Employment First (EF) agencies for failure to participate in a mandated work program.</p>		

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		<p>Such information is considered reported and verified on the day the information is reported through an automated interface with ACSES.</p> <p>7. Non-compliance information obtained from Employment First (EF) agencies for failure to participate in a mandated work program.</p> <p>8. Colorado intentional Program violations (IPV).</p> <p>9. Information obtained from the Systematic Alien Verification for Entitlements (SAVE) system regarding non-citizen status.</p> <p>10. Changes in household composition that are reported and verified and result in one or more members being removed from one Food Assistance household and added to a new or existing Food Assistance household. See Section 4.304.2 for situations that involve two households requesting assistance for the same child. Adults may be removed from the household based on self-declaration, per Section 4.604, D.</p> <p>Duplicate benefits shall not be issued for a particular individual when removing that individual from one Food Assistance household and adding him/her to a new Food Assistance household.</p> <p>11. Changes in household composition that are reported and verified by child welfare agencies and result in a child being removed from one Food Assistance household and added to a new or existing Food Assistance household.</p> <p>12. The disqualification of a household member determined to be a fleeing felon or probation or parole</p>	<p>8. Colorado intentional Program violations (IPV).</p> <p>9. Information obtained from the Systematic Alien Verification for Entitlements (SAVE) system regarding non-citizen status.</p> <p>10. Changes in household composition that are reported and verified and result in one or more members being removed from one Food Assistance household and added to a new or existing Food Assistance household.</p> <p>Duplicate benefits shall not be issued for a particular individual when removing that individual from one Food Assistance household and adding him/her to a new Food Assistance household.</p> <p>11. Changes in household composition that are reported and verified by child welfare agencies and result in a child being removed from one Food Assistance household and added to a new or existing Food Assistance household.</p> <p>12. The disqualification of a household member determined to be a fleeing felon or probation or parole violator.</p>		

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		violator in accordance with Section 4.304.4.			
4.504.61	Removed unnecessary cross-reference.	<p>Information Not Considered Verified Upon Receipt</p> <p>A. Some information received from sources other than the household are not considered verified. Such information shall be subject to independent verification prior to taking adverse action to reduce, suspend, terminate, or deny a household's Food Assistance benefits during the certification period. Such information, once independently verified, shall be acted upon in accordance with Section 4.604.</p> <p>B. The following sources of information shall not be considered as verified upon receipt:</p> <ol style="list-style-type: none"> <li>1. Death information received from a source other than the Burial Assistance program.</li> <li>2. Veterans Assistance (VA) benefit amounts obtained through the IEVS.</li> <li>3. Wage data obtained through the IEVS and the DOLE.</li> <li>4. IRS income and asset information obtained through the IEVS.</li> <li>5. Information regarding railroad retirement benefits obtained through the ievs.</li> <li>6. Information received from the Public Assistance Reporting and Information System (PARIS).</li> <li>7. Prisoner information received during the certification period.</li> <li>8. Information received from the National Database of New Hires (NDNH).</li> </ol>	<p>Information Not Considered Verified Upon Receipt</p> <p>A. Some information received from sources other than the household are not considered verified. Such information shall be subject to independent verification prior to taking adverse action to reduce, suspend, terminate, or deny a household's Food Assistance benefits during the certification period.</p> <p>B. The following sources of information shall not be considered as verified upon receipt:</p> <ol style="list-style-type: none"> <li>1. Death information received from a source other than the Burial Assistance program.</li> <li>2. Veterans Assistance (VA) benefit amounts obtained through the IEVS.</li> <li>3. Wage data obtained through the IEVS and the DOLE.</li> <li>4. IRS income and asset information obtained through the IEVS.</li> <li>5. Information regarding railroad retirement benefits obtained through the ievs.</li> <li>6. Information received from the Public Assistance Reporting and Information System (PARIS).</li> <li>7. Prisoner information received during the certification period.</li> <li>8. Information received from the National Database of New Hires (NDNH).</li> <li>9. Social Security benefit amounts reported via an award letter given by the household.</li> </ol>	The removed cross-references are not necessary to understand the context of this citation.	

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		<p>9. Social Security benefit amounts reported via an award letter given by the household.</p> <p>10. IPV/disqualification data from another state as reported through the disqualified recipient database.</p>	<p>10. IPV/disqualification data from another state as reported through the disqualified recipient database.</p>		
4.505.2(B)(4)	Corrected grammar.	<p>4. Should the household or participant fail or refuse to cooperate in resolving the discrepancy, the individual who's SSN cannot be verified may be disqualified as having failed to provide an SSN until such time as the household/participant cooperates, unless good cause exists. Disqualification shall be effective the month following the expiration of the notice of adverse action.</p>	<p>4. Should the household or participant fail or refuse to cooperate in resolving the discrepancy, the individual whose SSN cannot be verified may be disqualified as having failed to provide an SSN until such time as the household/participant cooperates, unless good cause exists. Disqualification shall be effective the month following the expiration of the notice of adverse action.</p>	Corrected grammar.	
4.505.51	Removed unnecessary language and cross-reference.	<p>Verification of Questionable Citizenship</p> <p>A. The following guidelines shall be used in considering whether or not an applicant's statement of citizenship is questionable:</p> <p>1. The claim of citizenship is inconsistent with statements made by the applicant, or with other information on the application, recertification, periodic report form, change report form, or on previous applications.</p> <p>2. The claim of citizenship is inconsistent with information received from another source.</p> <p>B. Application of the above criteria by the eligibility worker must not result in discrimination based on race, religion, ethnic background or national origin, and groups such as migrant farm workers or American Indians shall not be targeted for special verification. The eligibility worker shall not rely on a surname, accent or appearance that seems foreign to find a claim to citizenship questionable. Nor shall the eligibility worker rely on a lack of English speaking,</p>	<p>Verification of Questionable Citizenship</p> <p>A. The following guidelines shall be used in considering whether or not an applicant's statement of citizenship is questionable:</p> <p>1. The claim of citizenship is inconsistent with statements made by the applicant.</p> <p>2. The claim of citizenship is inconsistent with information received from another source.</p> <p>B. Application of the above criteria by the eligibility worker must not result in discrimination based on race, religion, ethnic background or national origin, and groups such as migrant farm workers or American Indians shall not be targeted for special verification. The eligibility worker shall not rely on a surname, accent or appearance that seems foreign to find a claim to citizenship questionable. Nor shall the eligibility worker rely on a lack of English speaking, reading or writing ability as grounds to question a claim to citizenship.</p> <p>C. The member whose citizenship is in question</p>	<p>Removed reference to the Change Report as this is a requirement of Change Reporting, which is no longer a reporting category as all Food Assistance households are Simplified Reporting.</p> <p>The removed cross-references are not necessary to understand the context of this citation.</p>	

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		<p>reading or writing ability as grounds to question a claim to citizenship.</p> <p>C. The member whose citizenship is in question shall be ineligible to participate until proof of citizenship is obtained, except as provided in Section 4.505.6, E. Until proof of citizenship is obtained, the member whose citizenship is in question shall have his or her income, less a prorated share, and all of his or her resources considered available to any remaining household members as set forth in Section 4.411.</p> <p>D. The method used to document verification of citizenship and the result of the verification shall be included in the case record.</p>	<p>shall be ineligible to participate until proof of citizenship is obtained, except as provided in Section 4.505.6, E. Until proof of citizenship is obtained, the member whose citizenship is in question shall have his or her income, less a prorated share, and all of his or her resources considered available to any remaining household members.</p> <p>D. The method used to document verification of citizenship and the result of the verification shall be included in the case record.</p>		
4.505.6(H-I)	Removed unnecessary cross-references.	<p>Verification of Non-citizen Status</p> <p>H. If the local office determines, after complying with the requirements of this section, that the non-citizen is not in an eligible alien status, the office shall take action, including sending proper notices to the household, to terminate, deny or reduce benefits. The household will have the opportunity to request a fair hearing prior to any adverse action taking effect, pursuant to Section 4.802, et seq.</p> <p>I. If verification of eligible non-citizen status as required by Section 4.505.51 is not provided on a timely basis, the household has the option of withdrawing its application or requesting that the eligibility of the remaining household members be determined. The income and resources of the individual whose non-citizen status is unverified shall be treated in the same manner as set forth in Section 4.411 and considered available in determining the eligibility of the remaining household members. If verification of eligible non-citizen status is subsequently received the local office shall act on the</p>	<p>Verification of Non-citizen Status</p> <p>H. If the local office determines, after complying with the requirements of this section, that the non-citizen is not in an eligible alien status, the office shall take action, including sending proper notices to the household, to terminate, deny or reduce benefits. The household will have the opportunity to request a fair hearing prior to any adverse action taking effect.</p> <p>I. If verification of eligible non-citizen status is not provided on a timely basis, the household has the option of withdrawing its application or requesting that the eligibility of the remaining household members be determined. The income and resources of the individual whose non-citizen status is unverified shall be considered available in determining the eligibility of the remaining household members. If verification of eligible non-citizen status is subsequently received the local office shall act on the information as a reported change in household membership in accordance with timeliness standards. The non-citizen shall not be entitled to retroactive benefits.</p>	The removed cross-references are not necessary to understand the context of this citation.	



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		<p>information as a reported change in household membership in accordance with timeliness standards. The non-citizen shall not be entitled to retroactive benefits.</p>			
4.505.61	Removed unnecessary language.	<p>USCIS Documentation of Lawful Non-citizen Status</p> <p>Non-citizens lawfully present in the United States will normally possess one of the following documents provided by the U.S. Citizenship and Immigration Service (USCIS). Possession of one of the following documents does not exempt a non-citizen from meeting the requirements set forth in Section 4.305.</p> <p>A. I-94 Arrival/Departure Record</p> <p>1. The local office shall accept the INS form I-94 as verification of non-citizen status. If the INS form I-94 does not bear any of the section annotations and the non-citizen has no other verification of non-citizen classification, the local office shall advise the non-citizen to obtain documentation from USCIS verifying the individual's non-citizen classification.</p> <p>2. If the form is annotated with Sections 207, 208, 243(h), 241(b)(3), 501(e), or 584 of the Immigration and Nationality Act or if the form is annotated with any of the following terms or a combination of the following terms, refugee, parolee, paroled or asylum, the non-citizen is considered to be in a qualified alien status and eligible for Food Assistance in accordance with Section 4.305, B, 1. The section number normally appears on the front of an I-94, but may occasionally be found on the reverse.</p> <p>3. The non-citizen shall also be advised at the eligibility interview that classification under Sections 207, 208, 243(h), 241(b)(3), 501(e) or 584 of the Immigration and Nationality Act shall result in eligible status for the period of seven years; that the non-</p>		Removed section regarding specific immigration documents. This information is provided through non-regulatory documents so it can be maintained as current when this information is modified by USCIS.	

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		<p>citizen may be eligible if acceptable verification is obtained; and that the non-citizen may contact INS as stated previously, or otherwise obtain the necessary verification or, if the non-citizen wishes and signs a written consent, that the local office will contact the USCIS to obtain clarification of the non-citizen's status. If the non-citizen does not wish to contact the USCIS, the household shall be given the option of withdrawing its application or participating without that member.</p> <p>B. Resident Non-citizen Card (I-551)</p> <p>These are normally referred to as green cards. This card is usually valid indefinitely if issued before July 1990 but may contain an expiration date on the reverse side if issued to a conditional non-citizen. These cards are issued to lawful permanent resident non-citizens and contain a photograph of the non-citizen. A Resident Non-Citizen Card (I-551) issued after July 1990 is good for a period of ten (10) years.</p> <p>C. Employment Authorization Card (I-688B)</p> <p>One of several USCIS documents that indicate a non-citizen has been granted permission to work. Codes on the card indicate the person's immigration status. On the front of the card will be "274a" followed by other numbers and letters that refer to the section of the regulation authorizing employment. Section (a)(3) identifies refugees under Section 207, (a)(5) identifies asylees under Section 208, and (a)(10) identifies withholding of deportation under 243(h).</p>			
4.505.7	Removed unnecessary cross-references.	<p>Verification of Non-citizen Sponsorship</p> <p>A. The local office shall verify the following information at the time of initial application and recertification:</p>	<p>Verification of Non-citizen Sponsorship</p> <p>A. The local office shall verify the following information at the time of initial application and recertification:</p>	The removed cross-references are not necessary to understand the context of this	

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		<p>1. The income and resources of the non-citizen's sponsor and the sponsor's spouse (if living with the sponsor) at the time of the non-citizen's application for Food Assistance.</p> <p>2. The names and alien registration numbers of other non-citizens for whom the sponsor has signed an affidavit of support or similar agreement. The sponsor's income and resources shall be divided by the number of non-citizens he or she sponsors in accordance with Section 4.305.4, E.</p> <p>3. The number of dependents who are claimed or who could be claimed for federal income tax purposes of the sponsor and the sponsor's spouse.</p> <p>4. The name, address, and phone number of the non-citizen's sponsor.</p> <p>B. Until the non-citizen provides information or verification necessary to determine eligibility, the sponsored non-citizen shall be ineligible. When such verification is provided, the local office shall act on the information as a reported change in household circumstances.</p> <p>C. The eligibility of any remaining household members shall be determined. The income and resources of the ineligible non-citizen, excluding the attributed income and resources of the non-citizen's sponsor and sponsor's spouse, shall be treated in the same manner as a disqualified member as set forth in Section 4.411 and considered available in determining the eligibility and benefit level of the remaining household members.</p> <p>If the sponsored non-citizen refuses to cooperate in providing and/or verifying needed information, other</p>	<p>1. The income and resources of the non-citizen's sponsor and the sponsor's spouse (if living with the sponsor) at the time of the non-citizen's application for Food Assistance.</p> <p>2. The names and alien registration numbers of other non-citizens for whom the sponsor has signed an affidavit of support or similar agreement.</p> <p>3. The number of dependents who are claimed or who could be claimed for federal income tax purposes of the sponsor and the sponsor's spouse.</p> <p>4. The name, address, and phone number of the non-citizen's sponsor.</p> <p>B. Until the non-citizen provides information or verification necessary to determine eligibility, the sponsored non-citizen shall be ineligible. When such verification is provided, the local office shall act on the information as a reported change in household circumstances.</p> <p>C. The eligibility of any remaining household members shall be determined. The income and resources of the ineligible non-citizen, excluding the attributed income and resources of the non-citizen's sponsor and sponsor's spouse, shall be considered available in determining the eligibility and benefit level of the remaining household members.</p> <p>If the sponsored non-citizen refuses to cooperate in providing and/or verifying needed information, other adult members of the non-citizen's household shall be responsible for providing and/or verifying the information. If the information or verification is subsequently received, the local office shall act on the information as a reported change. If the same sponsor is</p>	<p>citation.</p>	

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		<p>adult members of the non-citizen's household shall be responsible for providing and/or verifying the information. If the information or verification is subsequently received, the local office shall act on the information as a reported change. If the same sponsor is responsible for the entire household, the entire household is ineligible until such time as the needed information is verified. The local office must assist the non-citizen in obtaining verification provided the household is cooperating with the local office.</p>	<p>responsible for the entire household, the entire household is ineligible until such time as the needed information is verified. The local office must assist the non-citizen in obtaining verification provided the household is cooperating with the local office.</p>		
4.506	<p>Removed unnecessary cross-references and clarified language.</p>	<p>VERIFICATION OF INCOME</p> <p>Monthly, gross nonexempt income shall be verified prior to initial certification, unless the household is entitled to expedited service and postponed verification for one month. Income is also verified at redetermination and periodic report when a household reports that the amount of income has changed more than twenty-five dollars (\$25) or the source of income has changed.</p> <p>Refer to Section 4.504 for additional forms of acceptable income verification.</p> <p>A. Responsibility</p> <p>1. Applicants are primarily responsible for furnishing income verification documents, a collateral contact, or the authorization needed to secure sufficient information to allow written or verbal verification by the eligibility worker. For public assistance (PA) recipients, the PA case record will normally be used as the source of verification.</p> <p>2. Means of income verification include pension award letters, check stubs, employer letters, and collateral contacts with employers, agencies or other persons having knowledge of the household's circumstances.</p>	<p>VERIFICATION OF INCOME</p> <p>Monthly, gross nonexempt income shall be verified prior to initial certification, unless the household is entitled to expedited service and postponed verification for one month. Income is also verified at redetermination and periodic report when a household reports that the amount of income has changed more than twenty-five dollars (\$25) or the source of income has changed.</p> <p>A. Responsibility</p> <p>1. Applicants are primarily responsible for furnishing income verification documents, a collateral contact, or the authorization needed to secure sufficient information to allow written or verbal verification by the eligibility worker. For public assistance (PA) recipients, the PA case record will normally be used as the source of verification.</p> <p>2. Means of income verification include pension award letters, check stubs, employer letters, and collateral contacts with employers, agencies or other persons having knowledge of the household's circumstances.</p> <p>3. When a collateral contact designated by the household cannot be expected to provide accurate third party verification, the local office shall ask the household</p>	<p>The removed cross-references are not necessary to understand the context of this citation.</p> <p>Clarified language around collateral contact in 4.506(F)(1).</p>	

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		<p>3. When a collateral contact designated by the household cannot be expected to provide accurate third party verification, the local office shall ask the household to designate an acceptable collateral contact, provide an alternative form of verification or substitute a home visit.</p> <p>4. In some instances, however, all attempts to verify income may be unsuccessful because the person or organization has failed to cooperate with the household. A cooperating applicant shall not be denied solely because a third party refuses to provide verification. The eligibility worker shall, in consultation with the applicant or other sources, arrive at a figure to be used for certification purposes and annotate the household's case record with information used to make an eligibility determination.</p> <p>B. Continuing Employment</p> <p>When the applicant has continuing employment, the previous month's income is the best indication and source of verification of the amount of income the household may expect to receive. If information, such as probable salary raise, overtime pay or layoff supplied by the household or collateral contact reveals that future income will differ substantially from the previous month's income, a reasonable estimate of income shall be made based on information obtained from the household members and/or collateral contacts. The method of determining and computing income shall be fully annotated in the case record.</p> <p>C. Self-Employment</p> <p>Self-employment verification may consist of tax documents, self-employment ledgers maintained by the household, receipts, or other documents used for</p>	<p>to designate an acceptable collateral contact, provide an alternative form of verification or substitute a home visit.</p> <p>4. In some instances, however, all attempts to verify income may be unsuccessful because the person or organization has failed to cooperate with the household. A cooperating applicant shall not be denied solely because a third party refuses to provide verification. The eligibility worker shall, in consultation with the applicant or other sources, arrive at a figure to be used for certification purposes and annotate the household's case record with information used to make an eligibility determination.</p> <p>B. Continuing Employment</p> <p>When the applicant has continuing employment, the previous month's income is the best indication and source of verification of the amount of income the household may expect to receive. If information, such as probable salary raise, overtime pay or layoff supplied by the household or collateral contact reveals that future income will differ substantially from the previous month's income, a reasonable estimate of income shall be made based on information obtained from the household members and/or collateral contacts. The method of determining and computing income shall be fully annotated in the case record.</p> <p>C. Self-Employment</p> <p>Self-employment verification may consist of tax documents, self-employment ledgers maintained by the household, receipts, or other documents used for verifying and documenting the household's self-employment income and expenses. If, at the time of initial certification, a household is recently self-employed or does not have adequate documentation of the household's self-employment income and expenses, the</p>		

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		<p>verifying and documenting the household's self-employment income and expenses. If, at the time of initial certification, a household is recently self-employed or does not have adequate documentation of the household's self-employment income and expenses, the eligibility worker shall use the best information available to determine the household's monthly income. The household shall be encouraged to keep records of income and expenses for subsequent certifications. No specific verification shall be required and the documentation provided by the household shall be accepted unless questionable. For s-corporations and limited liability corporations (LLC), see Section 4.403, F.</p> <p>D. Educational Assistance</p> <p>All educational income and financial aid is considered exempt income and does not require verification to determine a household's monthly income.</p> <p>E. Verification of Terminated Employment</p> <p>1. If information regarding the termination of employment is questionable, verification is necessary. The primary responsibility for providing verification rests with the household. If it is difficult or impossible for the household to obtain documentary evidence in a timely manner, the local office shall offer assistance.</p> <p>2. Acceptable sources of verification include, but are not limited to, the previous employer, employee associations, union representatives and grievance committees and the Colorado Department of Labor and Employment (DOLE). Whenever documentary evidence is not available, a collateral contact shall be used.</p> <p>3. If the household and the local office are</p>	<p>eligibility worker shall use the best information available to determine the household's monthly income. The household shall be encouraged to keep records of income and expenses for subsequent certifications. No specific verification shall be required and the documentation provided by the household shall be accepted unless questionable.</p> <p>D. Educational Assistance</p> <p>All educational income and financial aid is considered exempt income and does not require verification to determine a household's monthly income.</p> <p>E. Verification of Terminated Employment</p> <p>1. If information regarding the termination of employment is questionable, verification is necessary. The primary responsibility for providing verification rests with the household. If it is difficult or impossible for the household to obtain documentary evidence in a timely manner, the local office shall offer assistance.</p> <p>2. Acceptable sources of verification include, but are not limited to, the previous employer, employee associations, union representatives and grievance committees and the Colorado Department of Labor and Employment (DOLE). Whenever documentary evidence is not available, a collateral contact shall be used.</p> <p>3. If the household and the local office are unable to obtain verification for a questionable claim of resignation from employment due to discrimination practices or unreasonable demands by an employer because an employer cannot be located, the household shall not be denied.</p> <p>F. Cases of No Reported Income</p>		

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		<p>unable to obtain verification for a questionable claim of resignation from employment due to discrimination practices or unreasonable demands by an employer because an employer cannot be located, the household shall not be denied.</p> <p>F. Cases of No Reported Income</p> <p>1. In addition to verifying reported income, the eligibility worker may have occasion to explore the possibility of unreported income. Prior to determining the eligibility of households who report no income or income so low as to place them at the maximum benefit level without consideration of deductible expenses, the eligibility worker must, through in-depth interviewing techniques, determine how the household maintains its existence and meets ongoing maintenance expenses. Collateral contacts with a person or persons knowing the household's circumstances are recommended. The existence of resources might be an explanation of how the household exists at the level of income reported.</p> <p>2. When exploring the possibility of unreported income or how the household is meeting its expenses, the local office shall not initiate a request for verification of such information, but shall explore how the household is meeting its needs through an interview. If, at the time of recertification, the local office needs to explore the possibility of unreported income or how the household is meeting its needs, the household shall be contacted by telephone to resolve the discrepancy. If the household cannot be contacted, then the interview process outlined in Section 4.204 can be initiated.</p>	<p>1. In addition to verifying reported income, the eligibility worker may have occasion to explore the possibility of unreported income. Prior to determining the eligibility of households who report no income or income so low as to place them at the maximum benefit level without consideration of deductible expenses, the eligibility worker must, through in-depth interviewing techniques, determine how the household maintains its existence and meets ongoing maintenance expenses. Collateral contact with a person or persons knowing the household's circumstances is recommended. The existence of resources might be an explanation of how the household exists at the level of income reported.</p> <p>2. When exploring the possibility of unreported income or how the household is meeting its expenses, the local office shall not initiate a request for verification of such information, but shall explore how the household is meeting its needs through an interview. If, at the time of recertification, the local office needs to explore the possibility of unreported income or how the household is meeting its needs, the household shall be contacted by telephone to resolve the discrepancy. If the household cannot be contacted, then the interview process outlined can be initiated.</p>		
4.507	Removed unnecessary cross-references and clarified	<p>VERIFICATION OF EXPENSES</p> <p>A. Verification of Dependent Care</p>	<p>VERIFICATION OF EXPENSES</p> <p>A. Verification of Dependent Care</p>	The removed cross-references are not necessary to	

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	language.	<p>Verification of dependent and child care expenses is required to grant a deduction. Refer to Section 4.407.6 if the dependent care costs qualify as a medical deduction.</p> <p>B. Verification of Shelter and Utility Costs</p> <p>1. A household's declaration of its responsibility to pay shelter and utility costs, as well as the amount the household is responsible to pay, shall be considered an acceptable source of verification, unless questionable, to grant the household a deduction for the amount the household declares it is responsible for paying. Deductions for utility allowances shall be granted in accordance with Section 4.407.31.</p> <p>2. Households that wish to claim shelter costs for a home that is unoccupied because of employment or training away from the home, illness or abandonment caused by a natural disaster or casualty loss must provide verification of actual utility costs if the costs would result in a deduction. These households are also responsible for providing verification of any other shelter costs if the cost is questionable and it would result in a deduction. The local office is not required to assist households in obtaining verification of this expense if the verification needs to be obtained from a source outside the county.</p> <p>3. If shelter expense is questionable and verification cannot be verified within thirty (30) calendar days from the date of application, the local office shall determine the household's eligibility and benefit level without providing a deduction for the unverified expense.</p> <p>4. If the household subsequently provides the</p>	<p>Verification of dependent and child care expenses is required to grant a deduction.</p> <p>B. Verification of Shelter and Utility Costs</p> <p>1. A household's declaration of its responsibility to pay shelter and utility costs, as well as the amount the household is responsible to pay, shall be considered an acceptable source of verification, unless questionable, to grant the household a deduction for the amount the household declares it is responsible for paying.</p> <p>2. Households that wish to claim shelter costs for a home that is unoccupied because of employment or training away from the home, illness or abandonment caused by a natural disaster or casualty loss must provide verification of actual utility costs if the costs would result in a deduction. These households are also responsible for providing verification of any other shelter costs if the cost is questionable and it would result in a deduction. The local office is not required to assist households in obtaining verification of this expense if the verification needs to be obtained from a source outside the county.</p> <p>3. If shelter expense is questionable and verification cannot be verified within thirty (30) calendar days from the date of application, the local office shall determine the household's eligibility and benefit level without providing a deduction for the unverified expense.</p> <p>4. If the household subsequently provides the missing verification for questionable shelter costs, the information will be handled as a reported change. The household shall be entitled to restoration of any lost benefits as a result of the disallowance of the expense which could not be verified within the thirty (30) day period, only if the client was not given at least ten (10) calendar days to provide verification or less than ten (10)</p>	<p>understand the context of this citation.</p> <p>Clarified verification of child support expenses as periodic report as well as recertification.</p>	



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		<p>missing verification for questionable shelter costs, the information will be handled as a reported change in accordance with Section 4.604. The household shall be entitled to restoration of any lost benefits as a result of the disallowance of the expense which could not be verified within the thirty (30) day period, only if the client was not given at least ten (10) calendar days to provide verification or less than ten (10) calendar days if a necessary second interview could only be scheduled between the twentieth (20th) and thirtieth (30th) day of the processing period.</p> <p>C. Verification of Medical Expenses</p> <p>1. The amount of medical bills and the portion that is reimbursable shall be verified prior to initial certification. At recertification, total medical expenses shall be verified if the source has changed or the total amount has changed more than twenty-five dollars (\$25) since the last time they were verified, or the information is incomplete, inaccurate, inconsistent, or outdated. See Sections 4.407.6 and 4.407.61 for eligibility criteria for household members entitled to these deductions.</p> <p>2. The household's monthly medical deduction for the certification period shall be based on the information reported and verified by the household, any anticipated changes in the household's medical expenses that can be reasonably expected to occur during the certification period based on available information about the recipient's medical condition public or private insurance coverage and current verified medical expenses. If the change cannot be reasonably anticipated, the household shall have the non-reimbursable portion of the medical expense considered at the time the amount of the expense or reimbursement is reported and verified.</p>	<p>calendar days if a necessary second interview could only be scheduled between the twentieth (20th) and thirtieth (30th) day of the processing period.</p> <p>C. Verification of Medical Expenses</p> <p>1. The amount of medical bills and the portion that is reimbursable shall be verified prior to initial certification. At recertification, total medical expenses shall be verified if the source has changed or the total amount has changed more than twenty-five dollars (\$25) since the last time they were verified, or the information is incomplete, inaccurate, inconsistent, or outdated.</p> <p>2. The household's monthly medical deduction for the certification period shall be based on the information reported and verified by the household, any anticipated changes in the household's medical expenses that can be reasonably expected to occur during the certification period based on available information about the recipient's medical condition public or private insurance coverage and current verified medical expenses. If the change cannot be reasonably anticipated, the household shall have the non-reimbursable portion of the medical expense considered at the time the amount of the expense or reimbursement is reported and verified.</p> <p>3. If the household reports a change in its medical expenses, the local office shall verify the change and act on the change during the certification period if it will result in an increase to the household's benefit allotment. The household shall not be contacted to verify a change discovered through another source.</p> <p>4. Households certified for twenty-four (24) months that incurred a one-time medical expense during the first twelve (12) months shall have the option of deducting the expense for one month, averaging the expense over the remainder of the first twelve (12)</p>		

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		<p>3. Any time questionable information is received, such as the identity of the person incurring medical costs, verification shall be obtained.</p> <p>4. If the household reports a change in its medical expenses, the local office shall verify the change and act on the change during the certification period if it will result in an increase to the household's benefit allotment. If the reported change will result in a decrease to the household's benefits, the change shall not be made effective until the start of the new certification period. If a change in medical expenses is discovered from another source other than the household, the local office cannot act on the change unless it is considered verified on receipt. The household shall not be contacted to verify a change discovered through another source. If a household fails to verify changes in medical expenses, the worker shall not make the change.</p> <p>5. Households certified for twenty-four (24) months that incurred a one-time medical expense during the first twelve (12) months shall have the option of deducting the expense for one month, averaging the expense over the remainder of the first twelve (12) months of the certification period, or averaging the expense over the remainder of the certification period. One-time expenses reported after the twelfth (12th) month of the certification period will be deducted as a one-time monthly expense or averaged over the remaining months in the certification period, at the household's option.</p> <p>D. Verification of Child Support Expenses</p> <p>1. In order to receive a deduction, the household shall verify its legal obligation to pay child support, the amount of the obligation, and the monthly amount of child support the household actually pays.</p>	<p>months of the certification period, or averaging the expense over the remainder of the certification period. One-time expenses reported after the twelfth (12th) month of the certification period will be deducted as a one-time monthly expense or averaged over the remaining months in the certification period, at the household's option.</p> <p>D. Verification of Child Support Expenses</p> <p>1. The local office shall accept any document that verifies the household's legal obligation to pay child support, such as a court or administrative order or legally enforceable separation agreement.</p> <p>2. The local office shall accept documentation verifying a household's actual payment of child support including, but not limited to, cancelled checks, wage withholding statements, verification of withholding from unemployment compensation and statements from the custodial parent regarding direct payments or third party payments that the noncustodial parent pays or expects to pay on behalf of the custodial parent.</p> <p>3. Documents that are accepted as verification of the household's legal obligation to pay child support shall not be accepted as verification of the household's actual monthly child support payments.</p> <p>4. In addition to requiring verification from the household, the local office shall be responsible for obtaining verification of the household's child support payments if the payments are made to the child support services agency. The local office shall give the household an opportunity to resolve any discrepancy between household verification and the verification received from the child support services agency.</p> <p>5. At recertification or periodic report, the local</p>		

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		<p>The local office shall accept any document that verifies the household's legal obligation to pay child support, such as a court or administrative order or legally enforceable separation agreement.</p> <p>2. The local office shall accept documentation verifying a household's actual payment of child support including, but not limited to, cancelled checks, wage withholding statements, verification of withholding from unemployment compensation and statements from the custodial parent regarding direct payments or third party payments that the noncustodial parent pays or expects to pay on behalf of the custodial parent.</p> <p>3. Documents that are accepted as verification of the household's legal obligation to pay child support shall not be accepted as verification of the household's actual monthly child support payments.</p> <p>4. In addition to requiring verification from the household, the local office shall be responsible for obtaining verification of the household's child support payments if the payments are made to the child support services agency. The local office shall give the household an opportunity to resolve any discrepancy between household verification and the verification received from the child support services agency. Child support income and expense information received from the automated child support system shall be considered verified upon receipt (see Section 4.504.6).</p> <p>5. At recertification, the local office shall require the household to verify the amount of legally obligated child support that a household member pays to a non-household member.</p>	<p>office shall require the household to re-verify the amount of legally obligated child support that a household member pays to a non-household member and the actual monthly child support payments made.</p>		
4.600	Removed duplicative	ONGOING CASE MANAGEMENT		Eliminated 4.600 as all statements	

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	language.	<p>When a household is certified for Food Assistance, a certification period is assigned. During the certification period, the household is required to report certain changes in its household circumstances. If a household does not report changes as required and as a result is overpaid Food Assistance benefits, the household will be held liable for repaying any benefits it was not eligible to receive in accordance with Section 4.800.</p> <p>There are some changes that the household is not required to report but are considered known to the agency because the agency is made aware of those changes by the primary source of that information. See Sections 4.504.6 and 4.607 for these types of changes. The local office is required to act upon such information during the middle of the certification period. Claims may be established as a result of information considered verified upon receipt even if a household is not otherwise required to report such information.</p> <p>All changes are acted on in accordance with Section 4.604.</p>		are duplicative to information in other sections of this regulation.	
4.601	Removed inaccurate language and unnecessary cross-references.	<p><b>GENERAL REQUIREMENTS FOR REPORTING CHANGES</b></p> <p>A. Simplified reporting households are only required to report and verify if the household's combined gross income exceeds one hundred thirty percent (130%) of the Federal Poverty Level (FPL) for its household size.</p> <p>B. Households shall be required to report in household circumstances as outlined in Section 4.603 no later than ten (10) calendar days from the end of the calendar month in which the change occurred. The local office has up to ten (10) calendar days to act on the information from the date the change is considered</p>	<p><b>GENERAL REQUIREMENTS FOR REPORTING CHANGES</b></p> <p>A. Households are only required to report and verify if the household's combined gross income exceeds one hundred thirty percent (130%) of the Federal Poverty Level (FPL) for its household size.</p> <p>B. Households shall be required to report the increase in income no later than ten (10) calendar days from the end of the calendar month in which the change occurred. The local office has up to ten (10) calendar days to act on the information from the date the change is considered reported.</p>	Removed references to the Change Report as this is a requirement of Change Reporting, which is no longer a reporting category as all Food Assistance households are Simplified Reporting.	

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		<p>reported, as outlined in Section 4.602.</p> <p>C. The household shall be allowed to report changes in person, by telephone, in writing, or through the online system. A toll-free number or a number on which collect calls will be accepted shall be indicated on all Change Report Forms.</p> <p>Changes reported by the household by telephone or in person shall be acted upon in the same manner as those reported on the Change Report Form. If reporting by mail, households will have met the reporting requirement provided the envelope is postmarked within the required ten (10) day calendar period. Public assistance (PA) households which report a change in circumstances to the PA worker shall be considered to have reported the change for Food Assistance purposes.</p> <p>D. A Change Report Form shall be provided to newly certified households at the time of certification and recertification and each time a change is submitted using the form. Households shall be notified of the receipt of the Change Report Form at the time the household is notified of an increase or decrease in benefits resulting from the reported change or at the same time the household is notified that additional verification is necessary to process the reported change.</p> <p>E. If additional verification is required to process the reported change, the household shall be notified of the verification needed and the deadline for submitting required verification to the local office. The notice shall inform the household that the change must be verified prior to action being taken by the local office if benefits are to be increased. Households shall be advised that assistance can be obtained from the local office if the household</p>	<p>C. The household shall be allowed to report changes in person, by telephone, in writing, or through the online system.</p>	<p>The removed cross-references are not necessary to understand the context of this citation.</p>	

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		<p>experiences difficulty in obtaining required verification.</p> <p>F. When a change in household circumstances occurs in a non-simplified reporting household and the local office has determined that a household has refused to cooperate in providing verification necessary to determine eligibility, the household's eligibility shall be terminated following a Notice of Adverse Action. The household shall not be denied if there is any question as to whether it has merely failed to cooperate as opposed to refused to cooperate.</p> <p>For a determination of refusal to be made, the household must be able to cooperate, but clearly demonstrate that it will not take actions that it can take and that are required to determine eligibility when a change of more than twenty-five dollars (\$25) occurs in a non-simplified reporting household. Households experiencing difficulty in obtaining necessary verification shall be assisted by the local office either in obtaining the documentary evidence or by making a collateral contact. The local office must ensure that the household was notified of the needed verification and sufficient time was allowed to obtain the verification.</p>			
4.602	Removed unnecessary cross-references.	<p>WHEN CHANGES ARE CONSIDERED REPORTED</p> <p>A. A change shall be considered to be reported as of the date the local office is notified of the change, if the required verification is received within ten (10) calendar days from the date the change is considered reported.</p> <p>If verification is obtained after the ten (10) calendar day timeframe, or during the adverse action period, the office shall consider the change reported on the day the verification is received.</p>	<p>WHEN CHANGES ARE CONSIDERED REPORTED</p> <p>A. A change shall be considered to be reported as of the date the local office is notified of the change, if the required verification is received within ten (10) calendar days from the date the change is considered reported.</p> <p>If verification is obtained after the ten (10) calendar day timeframe, or during the adverse action period, the office shall consider the change reported on the day the verification is received.</p>	The removed cross-references are not necessary to understand the context of this citation.	

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		<p>See Section 4.504.6 for what date is considered the change reported date for information that is considered verified upon receipt.</p> <p>B. The local office has up to ten (10) calendar days to act on a change from the date the change is considered reported.</p>			
4.603	Removed inaccurate language and unnecessary cross-references	<p><b>HOUSEHOLD RESPONSIBILITY TO REPORT CHANGES</b></p> <p>A. Requirements for All Households</p> <p>1. Applicant households shall report all changes related to their Food Assistance eligibility and benefits at the certification interview, including any changes that occurred between the date an application is submitted and the date of the interview. If a change is reported in an initial month and the application has not yet been processed, the local office shall act on the most current information.</p> <p>2. Households are required to report changes in household circumstances in accordance with the provisions of this section, no later than ten (10) calendar days from the end of the calendar month in which the change occurred. The local office has up to ten (10) calendar days to act from the date of the change is considered reported.</p> <p>3. Households are required to report all changes in household circumstances when filing a redetermination and periodic report.</p> <p>4. Able-Bodied Adults Without dependents, as defined in Section 4.100, that do not meet an exemption criteria, as outlined in Section 4.310.3, are required to report any changes in work hours that bring the individual below twenty (20) hours per week, averaged monthly.</p>	<p><b>HOUSEHOLD RESPONSIBILITY TO REPORT CHANGES</b></p> <p>A. Applicant households shall report all changes related to their Food Assistance eligibility and benefits at the certification interview, including any changes that occurred between the date an application is submitted and the date of the interview. If a change is reported in an initial month and the application has not yet been processed, the local office shall act on the most current information.</p> <p>B. Households are required to report all changes in household circumstances when filing a redetermination and periodic report.</p> <p>C. Able-Bodied Adults Without dependents, as defined in Section 4.100, that do not meet an exemption criteria, as outlined in Section 4.310.3, are required to report any changes in work hours that bring the individual below twenty (20) hours per week, averaged monthly.</p> <p>D. Households who have no gross income threshold or who are eligible to be certified with a gross income level of up to two hundred percent (200%) of the federal poverty level, as applicable to the household size, who are initially certified with income above one hundred thirty percent (130%) FPL shall not be required to report increases in the household's combined gross income during the certification period.</p>	<p>Removed references to Change Reporting, which is no longer a reporting category as all Food Assistance households are Simplified Reporting.</p> <p>The removed cross-references are not necessary to understand the context of this citation.</p>	

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		<p>B. Additional requirements for Simplified Reporting Households</p> <p>1. All households with certification periods of six (6) months and twenty-four (24) months shall be considered simplified reporting households. At redetermination, households with six (6) month certifications are required to report all changes in household circumstances. Households with twenty-four (24) month certifications are required to report all changes in household circumstances at the twelve (12) month periodic reporting period and at redetermination (see Section 4.208.1).</p> <p>2. The only change a simplified reporting household shall be required to report during the certification period is if the household's combined gross income exceeds one hundred thirty percent (130%) of the federal poverty level, as applicable to their household size. Simplified reporting households that exceed the one hundred thirty percent (130%) federal poverty level (FPL), as applicable to their household composition, will have ten (10) calendar days from the end of the month in which the household exceeded one hundred thirty percent (130%) FPL to report the change to the local office.</p> <p>3. Households who have no gross income threshold or who are eligible to be certified with a gross income level of up to two hundred percent (200%) of the federal poverty level, as applicable to the household size, who are initially certified with income above one hundred thirty percent (130%) FPL shall not be required to report increases in the household's combined gross income during the certification period. See Section 4.604 for clarification on how to act in situations when a household reports</p>	<p>E. Households who have no gross income threshold or who are eligible to be certified with a gross income level of up to two hundred percent (200%) of the FPL, as applicable to the household size, who are initially certified with income below 130% FPL are required to report when the household's combined gross income exceeds one hundred thirty percent (130%) FPL applicable to the household size. After the household reports its first increase in income above one hundred thirty percent (130%) FPL, the household shall not be required to report further increases in the household's combined gross income for the remainder of the certification period.</p> <p>F. When a household submits a recertification or periodic report form and an interview is not conducted because one has been completed in the previous twelve month period, any changes that occur after the recertification or periodic report form was submitted are not required to be reported unless the change causes the household to exceed one hundred thirty percent (130%) FPL applicable to the household size. If an interview is scheduled with the household, then the household is required to report any changes that occur between the time the household submitted the recertification application or periodic report form and the date of the interview.</p> <p>G. Upon benefit approval at initial application, redetermination and periodic change report, the household shall be provided with a notice of the gross income level that applies to its household size.</p>		



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		<p>this information.</p> <p>4. Households who have no gross income threshold or who are eligible to be certified with a gross income level of up to two hundred percent (200%) of the FPL, as applicable to the household size, who are initially certified with income below 130% FPL are required to report when the household's combined gross income exceeds one hundred thirty percent (130%) FPL applicable to the household size. After the household reports its first increase in income above one hundred thirty percent (130%) FPL, the household shall not be required to report further increases in the household's combined gross income for the remainder of the certification period.</p> <p>5. The only change a simplified reporting household must report after the interview is if the household's gross monthly income exceeds one hundred thirty percent (130%) of the FPL applicable to the household size. If a change is reported after the interview but before the application has been processed, the local office shall act on the most current information. If a change is reported after the application has been processed, then the change shall be acted upon in accordance with Section 4.604.</p> <p>6. When a simplified reporting household submits a recertification or periodic report form and an interview is not conducted because one has been completed in the previous twelve month period, any changes that occur after the recertification or periodic report form was submitted are not required to be reported unless the change causes the household to exceed one hundred thirty percent (130%) FPL applicable to the household size. If an interview is scheduled with the household, then the household is required to report any changes that occur between the</p>			

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		<p>time the household submitted the recertification application or periodic report form and the date of the interview.</p> <p>7. Upon benefit approval at initial application, redetermination and periodic change report, the household shall be provided with a notice of the gross income level that applies to its household size.</p>			
4.604	Removed inaccurate language and unnecessary cross-references	<p><b>ACTION ON REPORTED CHANGES</b></p> <p>Changes shall be acted on in accordance with the following guidelines:</p> <p>A. General Requirements</p> <p>Changes to a household's circumstances shall be acted on prospectively and processed within ten (10) calendar days from the date the change is considered to be reported (see Section 4.602). Changes reported by households shall be documented in the Food Assistance case record to indicate the change and the date that the change was reported. If a Change Report Form was used, the local office shall provide another Change Report Form to the household and notify the household of the receipt of the change report. If the reported change causes a change to the household's allotment, a notice of action form shall be issued to inform the household of a new basis of issuance and/or a supplemental allotment. If a supplemental allotment is to be issued, the amount of the supplemental allotment shall be the difference between the allotment the household is eligible to receive, due to the reported change, and the allotment the household actually received for the current month. The household's total monthly allotment shall be increased for all subsequent months of the certification period that are affected by the change.</p> <p>B. Changes Reported at Redetermination and</p>	<p><b>ACTION ON REPORTED CHANGES</b></p> <p>Changes shall be acted on in accordance with the following guidelines:</p> <p>A. General Requirements</p> <p>Changes to a household's circumstances shall be acted on prospectively and processed within ten (10) calendar days from the date the change is considered to be reported. Changes reported by households shall be documented in the Food Assistance case record to indicate the change and the date that the change was reported. If the reported change causes a change to the household's allotment, a notice of action form shall be issued to inform the household of a new basis of issuance and/or a supplemental allotment. If a supplemental allotment is to be issued, the amount of the supplemental allotment shall be the difference between the allotment the household is eligible to receive, due to the reported change, and the allotment the household actually received for the current month. The household's total monthly allotment shall be increased for all subsequent months of the certification period that are affected by the change.</p> <p>B. Changes Reported at Redetermination and Periodic Report</p> <p>The county local office shall act on all changes reported by households filing a redetermination or periodic report.</p>	<p>Removed references to Change Reporting, which is no longer a reporting category as all Food Assistance households are Simplified Reporting.</p> <p>The removed cross-references are not necessary to understand the context of this citation.</p>	

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		<p>Periodic Report</p> <p>The county local office shall act on all changes reported by households filing a redetermination or periodic report. When a household reports information during the certification period that it was not required to report, the local office shall document the information in the case record. If the information is not acted upon because it would cause a reduction in benefits for a simplified reporting household, and it does not meet the criteria outlined in D below, the local office shall review the information at the time of the household's subsequent certification, or at the twelve (12) month periodic report for those households certified for twenty-four (24) months to determine if the change should be acted upon when processing the redetermination or periodic report.</p> <p>C. Changes Resulting In an Increase</p> <p>1. The county local office shall act on any change reported by the household that will increase benefits. The increased allotment shall be made no later than the first allotment issued ten (10) or more calendar days after the change is considered to be reported. Any increase in benefits resulting from a change shall take effect the month following the month the change is considered reported per Section 4.602. Therefore, if such a change is reported after the twentieth (20th) of a month, and it is not possible to adjust the following month's allotment before the household's next normal issuance day, a supplemental allotment (in addition to the previously authorized monthly allotment) must be issued within ten (10) calendar days from the date the change was considered to be reported. A supplemental allotment shall not be issued for the month in which the change occurred.</p>	<p>When a household reports information during the certification period that it was not required to report, the local office shall document the information in the case record. If the information is not acted upon because it would cause a reduction in benefits, and it does not meet the criteria outlined in D below, the local office shall review the information at the time of the household's subsequent certification, or at the twelve (12) month periodic report for those households certified for twenty-four (24) months to determine if the change should be acted upon when processing the redetermination or periodic report.</p> <p>C. Changes Resulting In an Increase</p> <p>1. The county local office shall act on any change reported by the household that will increase benefits. The increased allotment shall be made no later than the first allotment issued ten (10) or more calendar days after the change is considered to be reported. Any increase in benefits resulting from a change shall take effect the month following the month the change is considered reported. Therefore, if such a change is reported after the twentieth (20th) of a month, and it is not possible to adjust the following month's allotment before the household's next normal issuance day, a supplemental allotment (in addition to the previously authorized monthly allotment) must be issued within ten (10) calendar days from the date the change was considered to be reported. A supplemental allotment shall not be issued for the month in which the change occurred.</p> <p>2. Changes that result in increased Food Assistance benefits for a household must be verified by the household within ten (10) calendar days from the date the change is reported. If the household fails to provide verification, benefits shall remain at the original level until verification is obtained. Changes that result in</p>		

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		<p>2. Changes that result in increased Food Assistance benefits for a household must be verified by the household within ten (10) calendar days from the date the change is reported. If the household fails to provide verification, benefits shall remain at the original level until verification is obtained. Changes that result in increased Food Assistance benefits for a household must be verified prior to adjusting the household's allotment.</p> <p>D. Changes Resulting in Allotment Decreases</p> <p>Changes that result in a decreased allotment shall be processed within ten (10) calendar days from the date the change is considered reported and made effective on the last day of the month in which the advance Notice of Adverse Action expires. The notice of adverse action expires eleven (11) calendar days from the date it is issued or fifteen (15) calendar days for households participating in the address confidentiality program (ACP).</p> <p>For simplified reporting households, the county local office shall not act on changes during the certification period that would decrease benefits, unless:</p> <ol style="list-style-type: none"> <li>1. The head of household requests that his/her case be closed;</li> <li>2. The head of household requests that any member be removed;</li> <li>3. An adult member requests to be removed from the case;</li> <li>4. An adult member requests that he/she and his/her children be removed from the case;</li> </ol>	<p>increased Food Assistance benefits for a household must be verified prior to adjusting the household's allotment.</p> <p>D. Changes Resulting in Allotment Decreases</p> <p>Changes that result in a decreased allotment shall be processed within ten (10) calendar days from the date the change is considered reported and made effective on the last day of the month in which the advance Notice of Adverse Action expires. The notice of adverse action expires eleven (11) calendar days from the date it is issued or fifteen (15) calendar days for households participating in the address confidentiality program (ACP).</p> <p>The county local office shall not act on changes during the certification period that would decrease benefits, unless:</p> <ol style="list-style-type: none"> <li>1. The head of household requests that his/her case be closed;</li> <li>2. The head of household requests that any member be removed;</li> <li>3. An adult member requests to be removed from the case;</li> <li>4. An adult member requests that he/she and his/her children be removed from the case;</li> <li>5. The agency has information about the household's circumstances considered verified upon receipt;</li> <li>6. There has been a change in the household's public assistance grant;</li> </ol>		

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		<p>5. The agency has information about the household's circumstances considered verified upon receipt (see Section 4.504.6);</p> <p>6. There has been a change in the household's public assistance grant;</p> <p>7. The agency is acting on a mass change as outlined in Section 4.607; or,</p> <p>8. A household who has no gross income threshold or who is eligible to be certified with a gross income level up to two hundred percent (200%) FPL as applicable to the household size, which is initially certified with income below one hundred thirty percent (130%) FPL has a change in income that causes the household's combined gross monthly income during the certification period to exceed one hundred thirty percent (130%) FPL. Refer to Section 4.401.1 for a description of households that are eligible to be certified with a gross income level up to two hundred percent (200%) FPL.</p> <p>9. The agency has received information from the Prisoner Verification System or the Deceased Matching System that a household member is no longer residing in the home and the household has failed to respond to the notice of match, provided insufficient evidence to the contrary, or has confirmed the match in accordance with Section 4.604.1.B.</p> <p>E. Changes Resulting in Ineligibility</p> <p>Changes that result in the household becoming ineligible shall be processed within ten (10) calendar days from the date the change is considered reported, unless the change does not require adverse action per</p>	<p>7. The agency is acting on a mass change; or,</p> <p>8. A household who has no gross income threshold or who is eligible to be certified with a gross income level up to two hundred percent (200%) FPL as applicable to the household size, which is initially certified with income below one hundred thirty percent (130%) FPL has a change in income that causes the household's combined gross monthly income during the certification period to exceed one hundred thirty percent (130%) FPL.</p> <p>9. The agency has received information from the Prisoner Verification System or the Deceased Matching System that a household member is no longer residing in the home and the household has failed to respond to the notice of match, provided insufficient evidence to the contrary, or has confirmed the match.</p> <p>E. Changes Resulting in Ineligibility</p> <p>Changes that result in the household becoming ineligible shall be processed within ten (10) calendar days from the date the change is considered reported, unless the change does not require adverse action. Changes resulting in ineligibility shall be made effective on the last day of the month in which the Notice of Adverse Action expires. The notice of adverse action expires eleven (11) calendar days from the date it is issued or fifteen (15) calendar days for households participating in the address confidentiality program (ACP).</p> <p>F. Changes in Categorical Eligibility</p> <p>When a household reports a change during the certification period that results in it no longer meeting the criteria of the categorical eligibility tier it was originally certified, the household's eligibility must be re-evaluated</p>		

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		<p>Section 4.608.1. Changes resulting in ineligibility shall be made effective on the last day of the month in which the Notice of Adverse Action expires. The notice of adverse action expires eleven (11) calendar days from the date it is issued or fifteen (15) calendar days for households participating in the address confidentiality program (ACP). Documentation of the eligibility determination shall be noted in the case record.</p> <p>Households that would otherwise become temporarily ineligible due to a periodic increase in recurring income or become ineligible due to another change that is not expected to continue in the subsequent month shall have their issuance suspended. Food assistance households may be placed in suspense for one month. Households not eligible for Food Assistance in the following issuance month must be discontinued from the Food Assistance Program. Households placed in suspense shall not receive a Food Assistance allotment for that issuance month. These households are considered to be eligible for the Food Assistance Program although receiving a zero allotment for the month the household is in suspense. If the suspended household again becomes eligible to receive an allotment after the month of suspense, the local office shall issue benefits on the household's normal issuance date. A new application shall not be required if the current certification period has not expired during the month of the suspense.</p> <p>F. Changes in Categorical Eligibility</p> <p>When a household reports a change during the certification period that results in it no longer meeting the criteria of the categorical eligibility tier it was originally certified under per Section 4.206, the household's eligibility must be re-evaluated using the next appropriate category. If the reported change has</p>	<p>using the next appropriate category. If the reported change has not been verified, or is considered questionable, and it cannot be determined whether basic categorical eligibility, expanded categorical eligibility, or standard eligibility criteria should be used, a request for verification shall be initiated.</p> <p>G. Changes in Household Composition</p> <p>1. Changes in household composition shall be acted on prospectively for the following month when the local office is able to affect the change prior to the determination of the household's allotment for that month. Anticipated income, deductions and other financial and non-financial criteria of the new member shall be considered in the prospective determination. The anticipated income, deductions, and other financial and non-financial criteria of a removed member shall no longer be considered when determining the household's eligibility.</p> <p>2. Individuals Disqualified During the Certification Period</p> <p>When an individual is disqualified during the household's certification period, the Food Assistance certification office shall determine the eligibility or ineligibility of the remaining household members based on information contained in the case record. If information in the case record is insufficient, additional information shall be obtained as needed.</p> <p>a. If a household's benefits are reduced or terminated within the certification period because one or more of its members was disqualified for intentional program violation/fraud, the local office shall notify the remaining members of their eligibility and benefit level at the same time the disqualified member(s) is notified of his or her disqualification.</p>		

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		<p>not been verified, or is considered questionable, and it cannot be determined whether basic categorical eligibility, expanded categorical eligibility, or standard eligibility criteria should be used, a request for verification shall be initiated per Section 4.604.1, Verification of Reported Changes.</p> <p>G. Changes in Household Composition</p> <p>1. Changes in household composition shall be acted on prospectively for the following month when the local office is able to affect the change prior to the determination of the household's allotment for that month. Anticipated income, deductions and other financial and non-financial criteria of the new member shall be considered in the prospective determination. The anticipated income, deductions, and other financial and non-financial criteria of a removed member shall no longer be considered when determining the household's eligibility (see Section 4.304). For changes in household composition that cause a decrease in the household's allotment, refer to D, "Changes Resulting in Allotment Decreases," above, for how to act on the change for a simplified reporting household.</p> <p>2. Individuals Disqualified During the Certification Period</p> <p>When an individual is disqualified during the household's certification period, the Food Assistance certification office shall determine the eligibility or ineligibility of the remaining household members based on information contained in the case record. If information in the case record is insufficient, additional information shall be obtained as needed.</p> <p>a. If a household's benefits are reduced or terminated within the certification period because one</p>	<p>b. If a household's benefits are reduced or terminated within the certification period because one or more of its members is disqualified for being an ineligible noncitizen, noncompliance with a work requirement, or for failure or refusal to obtain or provide a Social Security Number, the local office shall send a Notice of Adverse Action which informs the household of the disqualification, the reason for the disqualification, the eligibility and benefit level of the remaining members, and the actions the disqualified member must take to end the disqualification.</p> <p>H. Changes Reported During the Certification Period That the Household Is Not Required To Report</p> <p>When a household reports information during the certification period that it was not required to report, the local office shall document the information in the case record. If the information is not acted upon because it would cause a reduction in a household's benefit allotment and it does not meet the criteria outlined in D above, the local office shall review the information at the time of the household's subsequent certification, or at the twelve (12) month periodic report for those households certified for twenty-four (24) months to determine if the change should be acted upon at that time.</p>		

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		<p>or more of its members was disqualified for intentional program violation/fraud, the local office shall notify the remaining members of their eligibility and benefit level at the same time the disqualified member(s) is notified of his or her disqualification.</p> <p>b. If a household's benefits are reduced or terminated within the certification period because one or more of its members is disqualified for being an ineligible noncitizen, noncompliance with a work requirement, or for failure or refusal to obtain or provide a Social Security Number, the local office shall send a Notice of Adverse Action which informs the household of the disqualification, the reason for the disqualification, the eligibility and benefit level of the remaining members, and the actions the disqualified member must take to end the disqualification.</p> <p>H. Changes Reported During the Certification Period That the Household Is Not Required To Report</p> <p>When a household reports information during the certification period that it was not required to report, the local office shall document the information in the case record. If the information is not acted upon because it would cause a reduction in a simplified reporting household's benefit allotment and it does not meet the criteria outlined in d above, the local office shall review the information at the time of the household's subsequent certification, or at the twelve (12) month periodic report for those households certified for twenty-four (24) months to determine if the change should be acted upon at that time.</p> <p>I. Refusal to Cooperate</p> <p>The household shall be determined ineligible if it refused to cooperate in any subsequent review of its</p>			



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		<p>eligibility, including reviews generated by reported changes, recertifications, or as part of a quality control review in accordance with Sections 4.903.4, 4.903.41, and 4.903.42. If a simplified reporting household reports a change during the certification period that it was not required to report, the local office may request verification of the change, but if the household does not provide verification, then the case cannot be denied for failing to provide the requested information</p>			
4.604.1	Removed unnecessary cross-references.	<p>Verification of Reported Changes</p> <p>Changes that affect an allotment may require additional verification prior to taking action.</p> <p>A. Unclear Information</p> <p>1. If the local county office receives information about changes in a household's circumstances but cannot determine if or how the change will affect the household's benefits and the unclear information is:</p> <p>a. Fewer than sixty (60) days old relative to the current month of participation; and</p> <p>b. Was required to have been reported as outlined in Section 4.603; or</p> <p>c. Appears to present significantly conflicting information about the household's circumstances from that used by the agency at the time of certification, including changes to the household's categorical eligibility tier, then;</p> <p>The local office shall send a verification request notice requesting the household to provide the specific information or verification within the ten (10) calendar days plus one (1) additional calendar day for mailing time period. Households participating in the Address Confidentiality</p>	<p>Verification of Reported Changes</p> <p>Changes that affect an allotment may require additional verification prior to taking action.</p> <p>A. Unclear Information</p> <p>1. If the local county office receives information about changes in a household's circumstances but cannot determine if or how the change will affect the household's benefits and the unclear information is:</p> <p>a. Fewer than sixty (60) days old relative to the current month of participation; and</p> <p>b. Was required to have been reported per simplified reporting rules; or</p> <p>c. Appears to present significantly conflicting information about the household's circumstances from that used by the agency at the time of certification, including changes to the household's categorical eligibility tier, then;</p> <p>The local office shall send a verification request notice requesting the household to provide the specific information or verification within the ten (10) calendar days plus one (1) additional calendar day for mailing time period. Households participating in the Address Confidentiality Program (ACP) shall receive five (5)</p>	<p>The removed cross-references are not necessary to understand the context of this citation.</p>	

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		<p>Program (ACP) shall receive five (5) additional calendar days for mailing time. The local office shall offer assistance in obtaining the verification if the household cannot obtain the information.</p> <p>If the household fails or refuses to provide the verification or to request assistance with obtaining the verification within the ten (10) calendar days plus one (1) additional calendar day for mailing timeframe, or five (5) additional calendar days mailing time for ACP households, the process for closing the case shall be initiated. The Notice of Action Form shall advise the household that a change occurred that could not be acted upon, that the case is being closed, and that the household must provide the needed verification if it wishes to continue participation in the program. The household may be required to reapply if the household takes the required action after a break in benefits of more than thirty (30) calendar days.</p> <p>2. If the information is more than sixty (60) days old relative to the current month of participation, was not required to be reported per Section 4.603, or does not present significantly conflicting information from that used by the agency at the time of certification, the agency shall not act on this information or require the household to provide the information until the household's next recertification or periodic report.</p> <p>3. Changes which result in increased Food Assistance benefits for a household shall be verified prior to adjusting the household's allotment. If the household fails to provide verification, benefits shall remain at the original level until verification is obtained. Any increase in benefits resulting from a change shall take effect in accordance with the provisions outlined in Section 4.604(C)(1).</p>	<p>additional calendar days for mailing time. The local office shall offer assistance in obtaining the verification if the household cannot obtain the information.</p> <p>If the household fails or refuses to provide the verification or to request assistance with obtaining the verification within the ten (10) calendar days plus one (1) additional calendar day for mailing timeframe, or five (5) additional calendar days mailing time for ACP households, the process for closing the case shall be initiated. The Notice of Action Form shall advise the household that a change occurred that could not be acted upon, that the case is being closed, and that the household must provide the needed verification if it wishes to continue participation in the program. The household may be required to reapply if the household takes the required action after a break in benefits of more than thirty (30) calendar days.</p> <p>2. If the information is more than sixty (60) days old relative to the current month of participation, was not required to be reported, or does not present significantly conflicting information from that used by the agency at the time of certification, the agency shall not act on this information or require the household to provide the information until the household's next recertification or periodic report.</p> <p>3. Changes which result in increased Food Assistance benefits for a household shall be verified prior to adjusting the household's allotment. If the household fails to provide verification, benefits shall remain at the original level until verification is obtained.</p>		
4.605	Removed inaccurate	FAILURE TO REPORT CHANGES	FAILURE TO REPORT CHANGES	Removed references to	

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Rule section Number	Issue	Old Language	New Language or Response	Reason / Example / Best Practice	Public Comment No / Detail
	language.	If Food Assistance benefits are over-issued because a household fails to timely report changes in household circumstances or income as required, a claim shall be established and a notice of overpayment and a repayment agreement will be mailed. If the discovery is made within the certification period, the household must be given advance notice of adverse action if its benefits are to be reduced.	If Food Assistance benefits are over-issued because a household fails to timely report changes as required, a claim shall be established and a notice of overpayment and a repayment agreement will be mailed. If the discovery is made within the certification period, the household must be given advance notice of adverse action if its benefits are to be reduced.	Change Reporting, which is no longer a reporting category as all Food Assistance households are Simplified Reporting.	
4.606(A)	Removed unnecessary cross-reference.	<p>HANDLING PUBLIC ASSISTANCE (PA) HOUSEHOLD CHANGES</p> <p>A. Households that receive public assistance benefits which report a change in circumstances to the public assistance worker shall be considered to have reported the change for Food Assistance purposes. Information that is reported and verified to a public assistance (PA) program which results in a change to the PA benefit amount and that meets the Food Assistance rules for verification shall be considered verified upon receipt (see Section 4.504.6). The date the change is considered reported and verified is the date the public assistance program processes the change and authorizes the new PA benefit amount. When acting on information considered verified upon receipt, advance notice of adverse action is required, except as noted in Section 4.608.1.</p>	<p>HANDLING PUBLIC ASSISTANCE (PA) HOUSEHOLD CHANGES</p> <p>A. Households that receive public assistance benefits which report a change in circumstances to the public assistance worker shall be considered to have reported the change for Food Assistance purposes. Information that is reported and verified to a public assistance (PA) program which results in a change to the PA benefit amount and that meets the Food Assistance rules for verification shall be considered verified upon receipt. The date the change is considered reported and verified is the date the public assistance program processes the change and authorizes the new PA benefit amount. When acting on information considered verified upon receipt, advance notice of adverse action is required, except as noted in Section 4.608.1.</p>	The removed cross-reference is not necessary to understand the context of this citation.	
4.607(B)(1)(e)(2)	Removed unnecessary cross-reference.	<p>Mass Changes</p> <p>B. Mass changes in public assistance grants, such as state-only Old Age Pension and Aid to the Needy Disabled; and Cost of Living Adjustments (COLA) and increases in federal RSDI, SSI benefits (Title XVI), and SSA (Title II).</p> <p>These mass changes shall require a Notice of Adverse Action when food assistance benefits are decreased or terminated. Such notice for these mass changes shall be provided to the household as much</p>	<p>Mass Changes</p> <p>B. Mass changes in public assistance grants, such as state-only Old Age Pension and Aid to the Needy Disabled; and Cost of Living Adjustments (COLA) and increases in federal RSDI, SSI benefits (Title XVI), and SSA (Title II).</p> <p>These mass changes shall require a Notice of Adverse Action when food assistance benefits are decreased or terminated. Such notice for these mass changes shall be provided to the household as much before the</p>	The removed cross-reference is not necessary to understand the context of this citation.	

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		<p>before the household's scheduled issuance date as reasonably possible, although the notice need not be given any earlier than the time required for advance Notice of Adverse Action, per Section 4.608. Mass changes shall be processed prospectively for all households.</p> <p>1. At a minimum, affected households shall be informed of:</p> <p>a. The general nature of the change;</p> <p>b. Examples of the change's effect on household's allotments;</p> <p>c. The month in which the change will take effect;</p> <p>d. The household's right to a fair hearing;</p> <p>e. The household's right to receive a continuation of benefits if the following criteria are met:</p> <p>1) The household has not specifically waived its right to a continuation of benefits;</p> <p>2) The household requests a fair hearing in accordance with Section 4.802.2, and the request for a hearing is based upon improper computation of Food Assistance eligibility or benefits, or upon misapplication or misinterpretation of state rules, or federal law or regulation.</p>	<p>household's scheduled issuance date as reasonably possible, although the notice need not be given any earlier than the time required for advance Notice of Adverse Action, per Section 4.608. Mass changes shall be processed prospectively for all households.</p> <p>1. At a minimum, affected households shall be informed of:</p> <p>a. The general nature of the change;</p> <p>b. Examples of the change's effect on household's allotments;</p> <p>c. The month in which the change will take effect;</p> <p>d. The household's right to a fair hearing;</p> <p>e. The household's right to receive a continuation of benefits if the following criteria are met:</p> <p>1) The household has not specifically waived its right to a continuation of benefits;</p> <p>2) The household requests a fair hearing in and the request for a hearing is based upon improper computation of Food Assistance eligibility or benefits, or upon misapplication or misinterpretation of state rules, or federal law or regulation.</p>		
4.608(B)	Removed unnecessary cross-references.	<p>ADVANCE NOTICE OF ADVERSE ACTION</p> <p>B. Households shall receive advance Notice of Adverse Action, giving at least ten (10) calendar days advance notice, plus one additional calendar day for mailing time, before any adverse action, such as a benefit reduction, suspension, termination or denial,</p>	<p>ADVANCE NOTICE OF ADVERSE ACTION</p> <p>B. Households shall receive advance Notice of Adverse Action, giving at least ten (10) calendar days advance notice, plus one additional calendar day for mailing time, before any adverse action, such as a benefit reduction, suspension, termination or denial,</p>	The removed cross-references are not necessary to understand the context of this citation.	

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		<p>becomes effective during the certification period, except as specified in Section 4.608.1. Households participating in the address confidentiality program (ACP) shall receive five (5) additional calendar days for mailing time.</p> <p>When acting on a change in accordance with Section 4.604, if the ten (10) calendar day advance notice period, plus the additional calendar day(s) for mailing time, can be given in the month the Notice of Adverse Action is sent, the notice shall be effective on the last day of the month the notice is sent.</p> <p>If the ten (10) calendar day advance notice period, plus the additional calendar day(s) for mailing, extends into the following month, the notice shall be effective on the last day of the month the notice expires. The notice of adverse action expires eleven (11) calendar days from the date it is issued or fifteen (15) calendar days for households participating in the ACP. The notice shall explain the reason for the proposed action and the date the action becomes effective.</p> <p>If the advance notice period ends on a weekend or holiday and a request for a fair hearing and continuation of benefits are received the business day after the weekend or holiday, the request shall be considered timely received.</p> <p>For changes that result in a decreased allotment or ineligibility, the local office shall issue a notice of adverse action within ten (10) calendar days of the date the change is considered reported, which will affect the next regularly scheduled allotment after the month in which the advance Notice of Adverse Action period expires (see Section 4.602).</p>	<p>becomes effective during the certification period, except as specified in Section 4.608.1. Households participating in the address confidentiality program (ACP) shall receive five (5) additional calendar days for mailing time.</p> <p>When acting on a change in accordance, if the ten (10) calendar day advance notice period, plus the additional calendar day(s) for mailing time, can be given in the month the Notice of Adverse Action is sent, the notice shall be effective on the last day of the month the notice is sent.</p> <p>If the ten (10) calendar day advance notice period, plus the additional calendar day(s) for mailing, extends into the following month, the notice shall be effective on the last day of the month the notice expires. The notice of adverse action expires eleven (11) calendar days from the date it is issued or fifteen (15) calendar days for households participating in the ACP. The notice shall explain the reason for the proposed action and the date the action becomes effective.</p> <p>If the advance notice period ends on a weekend or holiday and a request for a fair hearing and continuation of benefits are received the business day after the weekend or holiday, the request shall be considered timely received.</p> <p>For changes that result in a decreased allotment or ineligibility, the local office shall issue a notice of adverse action within ten (10) calendar days of the date the change is considered reported, which will affect the next regularly scheduled allotment after the month in which the advance Notice of Adverse Action period expires.</p>		
4.608.1(G-L)	Removed unnecessary cross-references	Changes Not Requiring Advance Notice of Adverse Action	Changes Not Requiring Advance Notice of Adverse Action	The removed cross-references are not	

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	and updated inconsistent language.	<p>Advance Notice of Adverse Action may be given, but is not required in the following situations:</p> <p>G. The certification office has elected to assign a longer certification period to a household certified on an expedited basis and for whom verification was postponed, as detailed in Section 4.205.1, provided the household has received prior written notice that verification may result in a reduction in benefits.</p> <p>H. As a result of the facility's loss of state or USDA/FNS authorization, the local office terminates eligibility of those residents in a drug or alcoholic treatment center or group living arrangement, who are certified with the facility acting as authorized representative.</p> <p>I. A household member is disqualified for an intentional program violation/fraud or the benefits of the remaining household members are reduced or terminated to reflect the disqualification of that household member. The noticing requirements for an intentional program violation/fraud are contained in Section 4.803.7.</p> <p>J. Converting a household from cash and/or Food Assistance repayment for claims to allotment reduction as a result of a failure to make agreed-on repayments.</p> <p>K. The household was issued a repayment agreement for a claim and failed to respond. For households participating in the program that do not respond to the repayment agreement, benefit recoupment will be initiated.</p> <p>L. A change that is reported at redetermination for a household certified for six (6) months, or at the 12-month mid-point for a household certified for</p>	<p>Advance Notice of Adverse Action may be given, but is not required in the following situations:</p> <p>G. The certification office has elected to assign a longer certification period to a household certified on an expedited basis and for whom verification was postponed, provided the household has received prior written notice that verification may result in a reduction in benefits.</p> <p>H. As a result of the facility's loss of state or USDA/FNS authorization, the local office terminates eligibility of those residents in a drug or alcoholic treatment center or group living arrangement, who are certified with the facility acting as authorized representative.</p> <p>I. A household member is disqualified for an intentional program violation/fraud or the benefits of the remaining household members are reduced or terminated to reflect the disqualification of that household member.</p> <p>J. Converting a household from cash and/or Food Assistance repayment for claims to allotment reduction as a result of a failure to make agreed-on repayments.</p> <p>K. The household was issued a repayment agreement for a claim and failed to respond. For households participating in the program that do not respond to the repayment agreement, benefit recoupment will be initiated.</p> <p>L. A change that is reported at redetermination for a household certified for six (6) months, or at periodic report for a household certified for twenty-four (24) months, which results in a decrease to the household's Food Assistance allotment.</p>	<p>necessary to understand the context of this citation.</p> <p>The language 'the 12-month mid-point for a household certified for twenty-four (24) months' was updated to periodic report in order to remain consistent with other regulatory references.</p>	

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		twenty-four (24) months, which results in a decrease to the household's Food Assistance allotment. Such changes shall be processed in accordance with the requirements and timeframes in Sections 4.209.1, and 4.210.			
4.609.1	Removed unnecessary cross-references and outdated language.	<p>GENERAL ELIGIBILITY GUIDELINES [Rev. eff. 2/1/16]</p> <p>A. Effective January 1, 2017, households that receive Food Assistance and Colorado Works basic cash assistance that become ineligible for continued receipt of Colorado Works basic cash assistance as a result of changes in household income are eligible to receive Transitional Food Assistance (TFA), as provided for within this section. Colorado works diversion payments are not considered basic cash assistance. Colorado works basic cash assistance is defined in Section 3.601 of the Code of Colorado Regulations (9 CCR 2503-6).</p> <p>B. Households that are eligible to receive Transitional Food Assistance will have the Food Assistance benefit amount continued for five (5) months. The household's Food Assistance allotment will be continued in an amount based on what the household received prior to when the household's income made them ineligible for Colorado Works basic cash assistance. Only the following four (4) changes will be acted upon when determining the Food Assistance allotment that is to be continued.</p> <ol style="list-style-type: none"> <li>1. The loss of the Colorado Works cash grant;</li> <li>2. Changes in household composition that result in a household member leaving and applying for Food Assistance in another household;</li> <li>3. Updates to the Food Assistance eligibility standards that change each October 1 as a result of</li> </ol>	<p>GENERAL ELIGIBILITY GUIDELINES [Rev. eff. 2/1/16]</p> <p>A. Households that receive Food Assistance and Colorado Works basic cash assistance that become ineligible for continued receipt of Colorado Works basic cash assistance as a result of changes in household income are eligible to receive Transitional Food Assistance (TFA), as provided for within this section. Colorado works diversion payments are not considered basic cash assistance. Colorado works basic cash assistance is defined in Section 3.601 of the Code of Colorado Regulations (9 CCR 2503-6).</p> <p>B. Households that are eligible to receive Transitional Food Assistance will have the Food Assistance benefit amount continued for five (5) months. The household's Food Assistance allotment will be continued in an amount based on what the household received prior to when the household's income made them ineligible for Colorado Works basic cash assistance. Only the following four (4) changes will be acted upon when determining the Food Assistance allotment that is to be continued.</p> <ol style="list-style-type: none"> <li>1. The loss of the Colorado Works cash grant;</li> <li>2. Changes in household composition that result in a household member leaving and applying for Food Assistance in another household;</li> <li>3. Updates to the Food Assistance eligibility standards that change each October 1 as a result of the annual cost-of-living adjustments; and,</li> </ol>	The removed cross-references are not necessary to understand the context of this citation.	

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		<p>the annual cost-of-living adjustments (see Section 4.607); and,</p> <p>4. Imposing an intentional program violation disqualification.</p> <p>C. When the Food Assistance benefit amount is continued, the household's existing certification period shall end, and the household shall be assigned a new five (5) month certification period. The recertification requirements located within Section 4.209 that would normally apply when the household's certification period ends must be postponed until the end of the five (5) month transitional certification period.</p> <p>D. Households who are denied or not eligible for Transitional Food Assistance must have continued eligibility and benefit level determined in accordance with Section 4.604.</p> <p>E. The following households are not eligible to receive Transitional Food Assistance:</p> <p>1. Households leaving the Colorado Works program due to a Colorado Works sanction; or,</p> <p>2. Households that are ineligible to receive Food Assistance because all individuals in the household meet one of the following criteria:</p> <p>a. Disqualified for intentional program violation in accordance with Section 4.803;</p> <p>b. Ineligible for failure to comply with a work requirement in accordance with Section 4.310;</p> <p>c. Ineligible student in accordance with Section 4.306;</p>	<p>4. Imposing an intentional program violation disqualification.</p> <p>C. When the Food Assistance benefit amount is continued, the household's existing certification period shall end, and the household shall be assigned a new five (5) month certification period. The recertification requirements that would normally apply when the household's certification period ends must be postponed until the end of the five (5) month transitional certification period.</p> <p>D. Households who are denied or not eligible for Transitional Food Assistance must have continued eligibility and benefit level determined in accordance with Section 4.604.</p> <p>E. The following households are not eligible to receive Transitional Food Assistance:</p> <p>1. Households leaving the Colorado Works program due to a Colorado Works sanction; or,</p> <p>2. Households that are ineligible to receive Food Assistance because all individuals in the household meet one of the following criteria:</p> <p>a. Disqualified for intentional program violation;</p> <p>b. Ineligible for failure to comply with a work;</p> <p>c. Ineligible student;</p> <p>d. Ineligible non-citizen;</p> <p>e. Disqualified for failing to provide information necessary for making a determination of eligibility or for completing any subsequent review of its eligibility;</p>		



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		<p>d. Ineligible non-citizen in accordance with Section 4.305.1;</p> <p>e. Disqualified for failing to provide information necessary for making a determination of eligibility in accordance with Section 4.500 or for completing any subsequent review of its eligibility in accordance with Sections 4.209 and 4.210;</p> <p>f. Disqualified for receiving Food Assistance benefits in more than one household in the same month in accordance with Section 4.803.3;</p> <p>g. Disqualified for being a fleeing felon in accordance with Section 4.304.4;</p> <p>h. Able-bodied adults without dependents who fail to comply with the requirements of Section 4.310.</p>	<p>f. Disqualified for receiving Food Assistance benefits in more than one household in the same month;</p> <p>g. Disqualified for being a fleeing felon;</p> <p>h. Able-bodied adults without dependents who fail to comply with the requirements of Section 4.310.</p>		
4.609.2	Removed duplicate language.	<p>HOUSEHOLD CHANGES DURING THE TRANSITIONAL PERIOD [Rev. eff. 2/1/16]</p> <p>A. The household is not required to report any changes during the five (5) month transitional period, including changes that put the household over one hundred thirty percent (130%) of the Federal Poverty Level (FPL).</p> <p>B. Household changes that occur in the middle of the transitional period, including information considered verified upon receipt as outlined in Section 4.504.6, E, shall not be acted upon, with the following exceptions:</p> <p>1. Changes in household composition that result in a household member applying for Food Assistance in another household. The local office must remove any income, resources, and deductible expenses clearly attributable to the departing member.</p>	<p>HOUSEHOLD CHANGES DURING THE TRANSITIONAL PERIOD [Rev. eff. 2/1/16]</p> <p>A. The household is not required to report any changes during the five (5) month transitional period, including changes that put the household over one hundred thirty percent (130%) of the Federal Poverty Level (FPL).</p>	Information in 'B' is repetitive as it is included in 4.609.1(B).	

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		<p>2. Updates to the Food Assistance eligibility standards that change each October 1 as a result of the annual cost-of-living adjustments (see Section 4.607).</p> <p>3. Imposing an intentional program violation disqualification.</p>			
4.609.3	Removed unnecessary cross-reference.	<p>CLOSING THE TRANSITIONAL PERIOD [Rev. eff. 2/1/16]</p> <p>In the final month of the transitional period, the household must undergo the recertification process to determine the household's continued eligibility and benefit amount (see Section 4.209).</p>	<p>CLOSING THE TRANSITIONAL PERIOD [Rev. eff. 2/1/16]</p> <p>In the final month of the transitional period, the household must undergo the recertification process to determine the household's continued eligibility and benefit amount.</p>	The removed cross-reference is not necessary to understand the context of this citation.	
4.609.4	Removed unnecessary cross-references.	<p>HOUSEHOLDS WHO RETURN TO COLORADO WORKS DURING THE TRANSITIONAL PERIOD [Rev. eff. 2/1/16]</p> <p>If a household receiving Transitional Food Assistance returns to Colorado Works during the transitional period, the local office shall complete the recertification process for Food Assistance to determine the household's continued eligibility and benefit amount (see Section 4.209). If the household remains eligible for Food Assistance, the household shall be assigned a new certification period in accordance with Section 4.208.1.</p>	<p>HOUSEHOLDS WHO RETURN TO COLORADO WORKS DURING THE TRANSITIONAL PERIOD [Rev. eff. 2/1/16]</p> <p>If a household receiving Transitional Food Assistance returns to Colorado Works during the transitional period, the local office shall complete the recertification process for Food Assistance to determine the household's continued eligibility and benefit amount. If the household remains eligible for Food Assistance, the household shall be assigned a new certification period.</p>	The removed cross-references are not necessary to understand the context of this citation.	
4.609.5	Removed unnecessary cross-references and added clarifying language.	<p>HOUSEHOLDS WHO REAPPLY FOR FOOD ASSISTANCE DURING THE TRANSITIONAL PERIOD [Rev. eff. 2/1/16]</p> <p>A. At any time during the transitional period, the household may submit an application for recertification to determine if the household is eligible for a higher Food Assistance allotment. In determining if the household is eligible for a higher allotment, all changes in household circumstances shall be acted upon.</p>	<p>HOUSEHOLDS WHO REAPPLY FOR FOOD ASSISTANCE DURING THE TRANSITIONAL PERIOD [Rev. eff. 2/1/16]</p> <p>A. At any time during the transitional period, the household may submit an application for recertification to determine if the household is eligible for a higher Food Assistance allotment. In determining if the household is eligible for a higher allotment, all changes in household circumstances shall be acted upon.</p> <p>1. If the household is determined eligible for a</p>	<p>The removed cross-references are not necessary to understand the context of this citation.</p> <p>Removed citation regarding timeframes for a</p>	

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		<p>1. If the household is determined eligible for a benefit lower than its transitional benefit, the local office shall encourage the household to withdraw its application for recertification and continue to receive transitional benefits. If the household chooses not to withdraw its application, the local office shall deny the application and allow the transitional period to run its course.</p> <p>2. If the household is eligible for benefits higher than its transitional benefit amount, the increased benefits shall take effect with the first day of the month following the month in which the reapplication was received. The transitional certification period shall be ended, and the household shall be assigned a new certification period that begins with the first day of the month following the month in which the household submitted the application for recertification. The new certification period shall be assigned in accordance with Section 4.208.1</p> <p>B. If a household applies for recertification during its transitional period, the local office shall observe the following procedures:</p> <p>1. The local office must schedule and complete an interview in accordance with 4.204 and 4.209, D.</p> <p>2. The local office must provide the household with a notice of required verification in accordance with Section 4.500, C, and provide the household a minimum of ten (10) calendar days to provide the required verification in accordance with Section 4.209.1, D, 3.</p> <p>3. Households shall be notified of their eligibility or ineligibility as soon as possible, but no later than thirty (30) calendar days following the date the application was filed.</p>	<p>benefit lower than its transitional benefit, the local office shall encourage the household to withdraw its application for recertification and continue to receive transitional benefits. If the household chooses not to withdraw its application, the local office shall deny the application and allow the transitional period to run its course.</p> <p>2. If the household is eligible for benefits higher than its transitional benefit amount, the increased benefits shall take effect with the first day of the month following the month in which the reapplication was received. The transitional certification period shall be ended, and the household shall be assigned a new certification period that begins with the first day of the month following the month in which the household submitted the application for recertification.</p> <p>B. If a household applies for recertification during its transitional period, the local office shall observe the following procedures:</p> <p>1. The local office must schedule and complete an interview if one has not been completed within the previous 12 months.</p> <p>2. The local office must provide the household with a notice of required verification, and provide the household a minimum of ten (10) calendar days to provide the required verification.</p> <p>3. Households shall be notified of their eligibility or ineligibility as soon as possible, but no later than thirty (30) calendar days following the date the application was filed.</p> <p>a. If the local office does not determine a household's eligibility within thirty (30) calendar days following the application date, then the local office shall</p>	<p>required interview and replaced with language clarifying this requirement.</p>	

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		<p>a. If the local office does not determine a household's eligibility within thirty (30) calendar days following the application date, then the local office shall continue processing the application while continuing the household's transitional benefits. See Section 4.205.3 for delays in processing.</p> <p>b. If the application process cannot be completed because the household failed to take a required action, the local office may deny the application at that time or at the end of the thirty (30) calendar days.</p> <p>c. If the household is determined to be ineligible, the local office shall deny the household's application for recertification and continue the household's transitional benefits to the end of the transitional benefit period, at which time the local office shall recertify the household in accordance with Section 4.209.</p> <p>C. Applications for recertification submitted in the fifth month of the transitional period must be processed in accordance with recertification procedures contained within Section 4.209.</p>	<p>continue processing the application while continuing the household's transitional benefits.</p> <p>b. If the application process cannot be completed because the household failed to take a required action, the local office may deny the application at that time or at the end of the thirty (30) calendar days.</p> <p>c. If the household is determined to be ineligible, the local office shall deny the household's application for recertification and continue the household's transitional benefits to the end of the transitional benefit period, at which time the local office shall recertify the household in accordance with Section 4.209.</p>		
4.609.6(E-F)	Removed unnecessary cross-references.	<p>TRANSITIONAL NOTICE REQUIREMENTS [Rev. eff. 2/1/16]</p> <p>When a household is approved for Transitional Food Assistance, the household shall be notified of the following information:</p> <p>E. A statement informing the household that it is not required to report and provide verification for any changes in household circumstances until the household completes the recertification process as required by Section 4.609.3; and,</p>	<p>TRANSITIONAL NOTICE REQUIREMENTS [Rev. eff. 2/1/16]</p> <p>When a household is approved for Transitional Food Assistance, the household shall be notified of the following information:</p> <p>E. A statement informing the household that it is not required to report and provide verification for any changes in household circumstances until the household completes the recertification process and,</p> <p>F. A statement informing the household that the</p>	The removed cross-references are not necessary to understand the context of this citation.	

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**Rule Author:** Teri Chasten E-Mail: Teri.Chasten@state.co.us

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		<p>F. A statement informing the household that the local office will not act on changes that the household reports during the transitional period prior to the deadline specified in Section 4.609.3, E, and that if the household experiences a decrease in income or an increase in expenses or household size prior to that deadline, the household should apply for recertification.</p>	<p>local office will not act on changes that the household reports during the transitional period and that if the household experiences a decrease in income or an increase in expenses or household size prior to that deadline, the household should apply for recertification.</p>		
4.702.1	<p>Removed unnecessary cross-references and added clarifying language.</p>	<p>Eligibility for Restoration of Lost Benefits</p> <p>A. To be eligible for restored benefits, the household must have had its Food Assistance benefits wrongfully delayed, denied, or terminated. Delay shall mean that an eligibility determination was not accomplished within the prescribed time limits set forth in Sections 4.205, 4.209.1 or 4.210.</p> <p>B. A restoration of benefits is warranted when a household has received fewer benefits than it was eligible to receive due to:</p> <ol style="list-style-type: none"> <li>1. An error by the local office;</li> <li>2. A court decision overturning or reversing a disqualification for intentional program violation; or,</li> <li>3. A determination by a court that the household should have received more benefits than it received during a given issuance period.</li> </ol> <p>C. In the event that a restoration is warranted according to the provisions in paragraph b of this section, benefits shall be restored for not more than twelve (12) months prior to whichever of the following occurred first:</p> <ol style="list-style-type: none"> <li>1. The date the local office was notified, in writing or orally, by the household or by another person or agency that a household received fewer</li> </ol>	<p>Eligibility for Restoration of Lost Benefits</p> <p>A. To be eligible for restored benefits, the household must have had its Food Assistance benefits wrongfully delayed, denied, or terminated. Delay shall mean that an eligibility determination was not accomplished within processing timeframe standards.</p> <p>B. A restoration of benefits is warranted when a household has received fewer benefits than it was eligible to receive due to:</p> <ol style="list-style-type: none"> <li>1. An error by the local office;</li> <li>2. A court decision overturning or reversing a disqualification for intentional program violation; or,</li> <li>3. A determination by a court that the household should have received more benefits than it received during a given issuance period.</li> </ol> <p>C. In the event that a restoration is warranted, benefits shall be restored for not more than twelve (12) months prior to whichever of the following occurred first:</p> <ol style="list-style-type: none"> <li>1. The date the local office was notified, in writing or orally, by the household or by another person or agency that a household received fewer benefits than it was eligible to receive;</li> </ol>	<p>The removed cross-references are not necessary to understand the context of this citation.</p> <p>Removed citation regarding timeframes and replaced with language clarifying this requirement.</p>	

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		<p>benefits than it was eligible to receive;</p> <p>2. The date the local office discovers through the normal course of business that an error occurred which lead to the loss of benefits for a specific household; or,</p> <p>3. The date the household requested a fair hearing to contest the adverse action that resulted in the loss.</p> <p>When determining the months for which a household may be entitled to restorations, month one (1) shall be the month prior to the month in which the error was discovered.</p> <p>D. If the restoration is the result of a judicial action, the amount to be restored shall be determined as follows:</p> <p>1. If the judicial action is the first action the household has taken to obtain a restoration of lost benefits, then benefits shall be restored for a period of not more than twelve (12) months prior to the date the court action was initiated.</p> <p>2. If the judicial action is a review of an action taken by the local office, the benefits shall be restored for a period of no more than twelve (12) months prior to the first of either:</p> <p>a. The date the local office was notified by the household or by another person or agency in writing, or orally, of the possible loss to the household, or,</p> <p>b. The date the household requested a fair hearing.</p>	<p>2. The date the local office discovers through the normal course of business that an error occurred which lead to the loss of benefits for a specific household; or,</p> <p>3. The date the household requested a fair hearing to contest the adverse action that resulted in the loss.</p> <p>When determining the months for which a household may be entitled to restorations, month one (1) shall be the month prior to the month in which the error was discovered.</p> <p>D. If the restoration is the result of a judicial action, the amount to be restored shall be determined as follows:</p> <p>1. If the judicial action is the first action the household has taken to obtain a restoration of lost benefits, then benefits shall be restored for a period of not more than twelve (12) months prior to the date the court action was initiated.</p> <p>2. If the judicial action is a review of an action taken by the local office, the benefits shall be restored for a period of no more than twelve (12) months prior to the first of either:</p> <p>a. The date the local office was notified by the household or by another person or agency in writing, or orally, of the possible loss to the household, or,</p> <p>b. The date the household requested a fair hearing.</p> <p>E. In no case shall benefits be restored for more than twelve (12) months prior to the date the local office is notified of, or discovers, the loss. Benefits shall be restored even if the household is currently ineligible.</p>		

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		<p>E. In no case shall benefits be restored for more than twelve (12) months prior to the date the local office is notified of, or discovers, the loss. Benefits shall be restored even if the household is currently ineligible.</p> <p>F. In the event that the State orders a reduction or cancellation of benefits, those households whose allotments are reduced or cancelled as a result of the enactment of those procedures are not entitled to restoration of lost benefits unless the Secretary of Agriculture orders the State to restore reduced or cancelled benefits to affected households at a later date. If the Secretary of Agriculture directs the State to restore reduced or cancelled benefits, the local office shall work promptly to issue such benefits.</p>	<p>F. In the event that the State orders a reduction or cancellation of benefits, those households whose allotments are reduced or cancelled as a result of the enactment of those procedures are not entitled to restoration of lost benefits. If the Secretary of Agriculture directs the State to restore reduced or cancelled benefits, the local office shall work promptly to issue such benefits.</p>		
4.702.02	Removed redundant language.	<p>Disputed Benefits</p> <p>A. If a household does not agree with any action taken by the local office to restore lost benefits or the amount of benefits determined to have been lost, the household may request a fair hearing within ninety (90) calendar days of the notice to the household of entitlement to a restoration. If such a request is made before or during the time period for which lost benefits are being restored, the local office will continue to issue the under-issued benefits pending the decision of the fair hearing. Once a final decision is reached, the local office shall restore benefits in accordance with the decision.</p> <p>B. If the household requests a fair hearing to dispute the local office's determination that the household is not eligible for restored benefits, restored benefits for the period in question shall not be issued to the household while awaiting the final agency decision.</p> <p>C. Benefits lost more than twelve (12) months</p>	<p>Disputed Benefits</p> <p>A. If a household does not agree with any action taken by the local office to restore lost benefits or the amount of benefits determined to have been lost, the household may request a fair hearing within ninety (90) calendar days of the notice to the household of entitlement to a restoration. If such a request is made before or during the time period for which lost benefits are being restored, the local office will continue to issue the under-issued benefits pending the decision of the fair hearing. Once a final decision is reached, the local office shall restore benefits in accordance with the decision.</p> <p>B. If the household requests a fair hearing to dispute the local office's determination that the household is not eligible for restored benefits, restored benefits for the period in question shall not be issued to the household while awaiting the final agency decision.</p>	Language in 'C' is repetitive in Section 4.702.	

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		prior to the date that the local office was notified that a household received less benefits than it was eligible to receive shall not be eligible for restoration.			
4.702.4	Removed unnecessary cross-reference.	<p>Errors by the Social Security Administration (SSA) Office</p> <p>The local office shall restore to the household any benefits lost as the result of an error by the local office or by the Social Security Administration through joint processing. Lost benefits shall be restored in accordance with Section 4.702.1.</p> <p>Benefits shall be restored back to the date of an applicant's release from a public institution if, while in the institution, the applicant jointly applied for SSI and Food Assistance, but the local office was not notified on a timely basis of the applicant's release.</p>	<p>Errors by the Social Security Administration (SSA) Office</p> <p>The local office shall restore to the household any benefits lost as the result of an error by the local office or by the Social Security Administration through joint processing.</p> <p>Benefits shall be restored back to the date of an applicant's release from a public institution if, while in the institution, the applicant jointly applied for SSI and Food Assistance, but the local office was not notified on a timely basis of the applicant's release.</p>	The removed cross-reference is not necessary to understand the context of this citation.	
4.703	Removed unnecessary cross-references.	<p>CALCULATING LOST BENEFITS</p> <p>After correcting the loss for future months and excluding those months which occurred prior to the twelve (12) month restriction outlined above at 4.702.2, C, the following method will be used to calculate the amount of benefits to be restored:</p> <p>A. If the household was eligible but received an incorrect allotment, the loss of benefits shall be calculated only for those months the household participated. If the loss was caused by an incorrect delay, denial, or termination of benefits, the month the loss initially occurred will be calculated as follows:</p> <p>1. If an eligible household's application was erroneously denied, the month the loss initially occurred shall be the month of application or for an eligible household filing a timely reapplication, the first month of the new certification period.</p> <p>2. If an eligible household's application was</p>	<p>CALCULATING LOST BENEFITS</p> <p>After correcting the loss for future months and excluding those months which occurred prior to the twelve (12) month restriction, the following method will be used to calculate the amount of benefits to be restored:</p> <p>A. If the household was eligible but received an incorrect allotment, the loss of benefits shall be calculated only for those months the household participated. If the loss was caused by an incorrect delay, denial, or termination of benefits, the month the loss initially occurred will be calculated as follows:</p> <p>1. If an eligible household's application was erroneously denied, the month the loss initially occurred shall be the month of application or for an eligible household filing a timely reapplication, the first month of the new certification period.</p> <p>2. If an eligible household's application was delayed, the months for which benefits may be lost shall</p>	The removed cross-references are not necessary to understand the context of this citation.	



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		<p>delayed, the months for which benefits may be lost shall be calculated in accordance with Section 4.702.1.</p> <p>3. If a household's benefits were erroneously terminated, the month the loss initially occurred shall be the first month benefits were not received as a result of the erroneous action.</p> <p>B. After computing the date the loss initially occurred, the loss shall be calculated for each month subsequent to that date until either the first month the error is corrected or the first month the household is found ineligible, not to exceed twelve (12) months prior to the date the loss was discovered per Section 4.702.2, C.</p>	<p>be calculated.</p> <p>3. If a household's benefits were erroneously terminated, the month the loss initially occurred shall be the first month benefits were not received as a result of the erroneous action.</p> <p>B. After computing the date the loss initially occurred, the loss shall be calculated for each month subsequent to that date until either the first month the error is corrected or the first month the household is found ineligible, not to exceed twelve (12) months prior to the date the loss was discovered.</p>		
4.801	Removed unnecessary language.	<p>CLAIMS AGAINST HOUSEHOLDS</p> <p>A claim shall be established, in accordance with the provisions of this section, when a household is over-issued benefits. An over-issuance means the amount by which Food Assistance benefits issued to a household exceeds the amount the household was eligible to receive.</p>	<p>CLAIMS AGAINST HOUSEHOLDS</p> <p>A claim shall be established when a household is over-issued benefits. An over-issuance means the amount by which Food Assistance benefits issued to a household exceeds the amount the household was eligible to receive.</p>	The removed statement was a reference to the information included in the section.	
4.801.1	Removed unnecessary cross-reference.	<p>Classification of Claims</p> <p>Claims shall be classified as follows:</p> <p>A. "Agency Error Claims" - A claim shall be handled as an agency error claim if the over-issuance is caused by an error on the part of the local office. Instances that may result in an agency error claim include, but are not limited to, the following:</p> <p>1. The local office failed to take prompt action on a change reported by the household;</p> <p>2. The local office incorrectly computed the household's income or deductions, or otherwise</p>	<p>Classification of Claims</p> <p>Claims shall be classified as follows:</p> <p>A. "Agency Error Claims" - A claim shall be handled as an agency error claim if the over-issuance is caused by an error on the part of the local office. Instances that may result in an agency error claim include, but are not limited to, the following:</p> <p>1. The local office failed to take prompt action on a change reported by the household;</p> <p>2. The local office incorrectly computed the household's income or deductions, or otherwise</p>	The removed cross-reference is not necessary to understand the context of this citation.	

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		<p>assigned an incorrect allotment;</p> <p>3. The local office continued to provide a household Food Assistance benefits after its certification period expired without a redetermination of eligibility in accordance with Sections 4.209 and 4.209.1.</p> <p>4. The local office failed to provide a household a reduced level of Food Assistance benefits when its public assistance grant changed.</p>	<p>assigned an incorrect allotment;</p> <p>3. The local office continued to provide a household Food Assistance benefits after its certification period expired without a redetermination of eligibility.</p> <p>4. The local office failed to provide a household a reduced level of Food Assistance benefits when its public assistance grant changed.</p>		
4.801.2(A)(2)(a)	Corrected grammar.	<p>2. Claims shall be established for benefits that are trafficked. The trafficking of benefits means:</p> <p>a. The buying, selling, stealing, or otherwise effecting an exchange of Food Assistance benefits issued and accessed via Electronic Benefit Transfer 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; or,</p>	<p>2. Claims shall be established for benefits that are trafficked. The trafficking of benefits means:</p> <p>a. The buying, selling, stealing, or otherwise affecting an exchange of Food Assistance benefits issued and accessed via Electronic Benefit Transfer 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; or,</p>	Corrected grammar from effecting to affecting.	
4.801.3(C)	Removed unnecessary cross-references and outdated language.	<p>C. Agency Error and Inadvertent Household Error Claims</p> <p>1. If the household received a larger allotment than it was entitled to receive, the local office shall establish a claim against the household that is equal to the difference between the allotment that the household received and the actual allotment it should have received, in accordance with the thresholds outlined in Section 4.801.2, A. Benefits authorized under Colorado Electronic Benefits Transfer System (CO/EBTS) shall be used to calculate the claim.</p> <p>After calculating the amount of a claim and establishing claims in accordance with the thresholds</p>	<p>C. Agency Error and Inadvertent Household Error Claims</p> <p>1. If the household received a larger allotment than it was entitled to receive, the local office shall establish a claim against the household that is equal to the difference between the allotment that the household received and the actual allotment it should have received. Benefits authorized under Colorado Electronic Benefits Transfer System (CO/EBTS) shall be used to calculate the claim.</p> <p>After calculating the amount of a claim and establishing claims, the local office may offset the amount of the claim against any amounts which have not yet been</p>	<p>The removed cross-references are not necessary to understand the context of this citation.</p> <p>Removed references to Change Reporting, which is no longer a reporting category as all Food Assistance</p>	

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		<p>outlined in Section 4.801.2, A, the local office may offset the amount of the claim against any amounts which have not yet been restored to the household. See Section 4.702. Expungements and any return of benefits that occur shall be used to offset the amount of the claim.</p> <p>2. The claim may also be offset against restored benefits owed to:</p> <p>a. Any household that contains a member who was an adult member of the original household;</p> <p>b. Any household that contains an authorized representative that caused the overpayment or trafficking.</p> <p>c. In no circumstance, may the local office collect more than the amount of the claim.</p> <p>3. The Food Assistance office shall calculate the amount of an agency error or inadvertent household error claim back to the month the over-issuance occurred. However, in no event shall the amount of the administrative error claim be calculated for any period prior to one (1) year from the date the local office was notified, in writing or orally, or discovered through the normal course of business, that an error occurred which led to the household receiving more benefits than it was entitled to receive. All other claims shall be established for a period no greater than six years from the date the agency discovered the overpayment. See Section 4.801.2, B, for when a claim is considered discovered. .</p> <p>4. For households eligible under basic categorical eligibility, a claim shall only be determined when it can be computed on the basis of changed household net income and/or household size. A claim</p>	<p>restored to the household. Expungements and any return of benefits that occur shall be used to offset the amount of the claim.</p> <p>2. The claim may also be offset against restored benefits owed to:</p> <p>a. Any household that contains a member who was an adult member of the original household;</p> <p>b. Any household that contains an authorized representative that caused the overpayment or trafficking.</p> <p>c. In no circumstance, may the local office collect more than the amount of the claim.</p> <p>3. The Food Assistance office shall calculate the amount of an agency error or inadvertent household error claim back to the month the over-issuance occurred. However, in no event shall the amount of the administrative error claim be calculated for any period prior to one (1) year from the date the local office was notified, in writing or orally, or discovered through the normal course of business, that an error occurred which led to the household receiving more benefits than it was entitled to receive. All other claims shall be established for a period no greater than six years from the date the agency discovered the overpayment.</p> <p>4. For households eligible under basic categorical eligibility, a claim shall only be determined when it can be computed on the basis of changed household net income and/or household size. A claim shall not be established if there was not a change in net income and/or household size.</p> <p>If a household receives both Temporary Assistance for Needy Families (TANF) and Food Assistance and mis-</p>	<p>households are Simplified Reporting.</p>	

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		<p>shall not be established if there was not a change in net income and/or household size.</p> <p>If a household receives both Temporary Assistance for Needy Families (TANF) and Food Assistance and mis-reports information to TANF in accordance with the TANF reporting requirements, and the mis-report of information to TANF resulted in the household being over paid TANF or ineligible for TANF, any resulting Food Assistance claim should be based on the actual TANF issued.</p> <p>5. The correct allotment shall be calculated using the same methods applied to an actual certification. The twenty percent (20%) earned income deduction shall not be applied to that part of any earned income that the household failed to report in a timely manner when this act is the basis for the claim; therefore, any portion of the claim that is due to earned income being reported in an untimely manner will be calculated without allowing the twenty percent (20%) earned income deduction. The actual circumstances of the household shall be used to calculate the claim. In instances when a claim is caused by the household's failure to report information as required, the amount of the claim is based on the allotment difference from what the household actually received compared to what the household would have received if the household would have reported the information as required. For example, if a simplified reporting household did not report income at initial application as required, the income used to calculate the overpayment would be the income that the household actually received in the month of application, as this would have been used to determine the household's ongoing monthly amount. Actual income received each subsequent month is not required to calculate each month of the claim, as any fluctuation in monthly income that was received by the</p>	<p>reports information to TANF in accordance with the TANF reporting requirements, and the mis-report of information to TANF resulted in the household being over paid TANF or ineligible for TANF, any resulting Food Assistance claim should be based on the actual TANF issued.</p> <p>5. The correct allotment shall be calculated using the same methods applied to an actual certification. The twenty percent (20%) earned income deduction shall not be applied to that part of any earned income that the household failed to report in a timely manner when this act is the basis for the claim; therefore, any portion of the claim that is due to earned income being reported in an untimely manner will be calculated without allowing the twenty percent (20%) earned income deduction. The actual circumstances of the household shall be used to calculate the claim. In instances when a claim is caused by the household's failure to report information as required, the amount of the claim is based on the allotment difference from what the household actually received compared to what the household would have received if the household would have reported the information as required. For example, if a simplified reporting household did not report income at initial application as required, the income used to calculate the overpayment would be the income that the household actually received in the month of application, as this would have been used to determine the household's ongoing monthly amount. Actual income received each subsequent month is not required to calculate each month of the claim, as any fluctuation in monthly income that was received by the household after the initial month of application was not required to be reported by the household. If the household failed to report a change in household circumstances that would have resulted in an increase in benefits during the time period of the claim, the local office shall act on the change in information as of the date the change was reported to</p>		

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		<p>household after the initial month of application was not required to be reported by the household. If the household failed to report a change in household circumstances that would have resulted in an increase in benefits during the time period of the claim, the local office shall act on the change in information as of the date the change was reported to the local office in accordance with Section 4.602.</p> <p>6. In cases involving reported changes, the local office shall establish the claim for each month in which the error would have affected the household's Food Assistance allotment.</p> <p>a. In cases involving household failure to report a change in circumstances within the required timeframes, the first (1st) month affected by the household's failure to report shall be the first (1st) month in which the change would have been effective had it been timely reported. However, in no event shall the determination of the first (1st) month in which the change would have been effective be any later than two (2) months from the month in which the change occurred. For purposes of calculating the claim, the local office shall assume that the change would have been reported properly and timely acted upon by the local office.</p> <p>b. If the household timely reported a change but the local office failed to act on the change within the required timeframes, the first (1st) month affected by the local office's failure to act shall be the first (1st) month the office would have made the change effective had it acted timely. If a Notice of Adverse Action was required, the local office shall assume, for the purpose of calculating the claim, that the Notice of Adverse Action period described within Section 4.608 would have expired without the household requesting a fair hearing.</p>	<p>the local office.</p> <p>6. When a household certified below the 130% FPL fails to report an increase in household income over 130% FPL, the local office shall establish the claim for each month in which an over-issuance of Food Assistance has occurred.</p> <p>a. In cases involving household failure to report an increase in income within the required timeframes, the first (1st) month affected by the household's failure to report shall be the first (1st) month in which the change would have been effective had it been timely reported. However, in no event shall the determination of the first (1st) month in which the change would have been effective be any later than two (2) months from the month in which the change occurred. For purposes of calculating the claim, the local office shall assume that the change would have been reported properly and timely acted upon by the local office.</p> <p>b. If the household timely reported an increase in income but the local office failed to act on the change within the required timeframes, the first (1st) month affected by the local office's failure to act shall be the first (1st) month the office would have made the change effective had it acted timely. If a Notice of Adverse Action was required, the local office shall assume, for the purpose of calculating the claim, that the Notice of Adverse Action period would have expired without the household requesting a fair hearing.</p>		

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4.801.3(D)	Removed unnecessary cross-reference.	<p>D. Intentional Program Violation Claims</p> <p>1. Prior to a waiver or consent agreement being signed or the determination of intentional program violation/fraud, the claim being pursued as an intentional program violation claim shall be pursued as an inadvertent household error claim. Thresholds prescribed in Section 4.801.2, A, do not apply to IPV/fraud claims.</p> <p>2. For each month that a household received an over-issuance due to an act of intentional program violation/fraud, the local office shall determine the correct amount of Food Assistance benefits, if any, the household was entitled to receive. The amount of the intentional program violation/fraud claim shall be calculated back to the month the intentional program violation occurred. However, in no event shall the amount of the claim be calculated for any period prior to six (6) years from the date the intentional program violation was discovered. If the household member is determined to have intentionally failed to report a change in its household's circumstances, the claim shall be established for each month in which the failure to report would have affected the household's Food Assistance allotment.</p> <p>3. Once the amount of the intentional program violation/fraud claim is established, the local office shall offset the claim against any amount of lost benefits that have not yet been restored to the household.</p>	<p>D. Intentional Program Violation Claims</p> <p>1. Prior to a waiver or consent agreement being signed or the determination of intentional program violation/fraud, the claim being pursued as an intentional program violation claim shall be pursued as an inadvertent household error claim.</p> <p>2. For each month that a household received an over-issuance due to an act of intentional program violation/fraud, the local office shall determine the correct amount of Food Assistance benefits, if any, the household was entitled to receive. The amount of the intentional program violation/fraud claim shall be calculated back to the month the intentional program violation occurred. However, in no event shall the amount of the claim be calculated for any period prior to six (6) years from the date the intentional program violation was discovered. If the household member is determined to have intentionally failed to report a change in its household's circumstances, the claim shall be established for each month in which the failure to report would have affected the household's Food Assistance allotment.</p> <p>3. Once the amount of the intentional program violation/fraud claim is established, the local office shall offset the claim against any amount of lost benefits that have not yet been restored to the household.</p>	The removed cross-reference is not necessary to understand the context of this citation.	
4.801.4(A-B)	Removed unnecessary cross-references.	<p>A. Claim Liability</p> <p>2. Initiating Collection Action</p> <p>a. Local offices shall initiate collection action against any and all of the adult members or persons connected to the household at the time an over-</p>	<p>A. Claim Liability</p> <p>2. Initiating Collection Action</p> <p>a. Local offices shall initiate collection action against any and all of the adult members or persons connected to the household at the time an over-issuance</p>	The removed cross-references are not necessary to understand the context of this citation.	

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		<p>issuance occurred. Under no circumstances shall the office collect more than the amount of the claim.</p> <p>b. The local office may pursue collection action against any household that has a member that was connected to the household that received or created an over- issuance.</p> <p>c. The local office shall initiate collection action for an unpaid or partially paid IPV claim even if collection action was previously initiated against the household while the claim was being handled as an inadvertent household error claim. Collection action shall be initiated unless the household has already repaid the over-issuance as a result of an inadvertent household error demand letter or the local office has documentation that shows the household cannot be located.</p> <p>d. Local offices can suspend or terminate collection activity in accordance with Sections 4.801.42 and 4.801.43.</p> <p>B. Postponing Collection Action</p> <p>Collection action on inadvertent household error claims may be postponed in cases where an over-issuance is being referred to an administrative disqualification hearing or a court of appropriate jurisdiction, and the local office determines that collection action will prejudice the case.</p> <p>For cases in which the household is appealing an agency error or inadvertent household error claim, collection action shall be suspended pending a final decision (see Section 4.801.42). A household's appeal may include, but not be limited to, the establishment of the claim, the amount of the claim, and/or the household's liability to repay the claim.</p>	<p>occurred. Under no circumstances shall the office collect more than the amount of the claim.</p> <p>b. The local office may pursue collection action against any household that has a member that was connected to the household that received or created an over- issuance.</p> <p>c. The local office shall initiate collection action for an unpaid or partially paid IPV claim even if collection action was previously initiated against the household while the claim was being handled as an inadvertent household error claim. Collection action shall be initiated unless the household has already repaid the over-issuance as a result of an inadvertent household error demand letter or the local office has documentation that shows the household cannot be located.</p> <p>B. Postponing Collection Action</p> <p>Collection action on inadvertent household error claims may be postponed in cases where an over-issuance is being referred to an administrative disqualification hearing or a court of appropriate jurisdiction, and the local office determines that collection action will prejudice the case.</p> <p>For cases in which the household is appealing an agency error or inadvertent household error claim, collection action shall be suspended pending a final decision. A household's appeal may include, but not be limited to, the establishment of the claim, the amount of the claim, and/or the household's liability to repay the claim.</p>		

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4.801.4(D)	Removed unnecessary language.	<p>D. Negotiating Payment Plans</p> <p>Households participating in the program are subject to allotment reduction in accordance with Section 4.801.41, B, unless the claim is being collected at a higher amount.</p> <p>If a household is not participating in the program, then the local office shall negotiate a payment schedule with the household, as outlined in this section, for repayment of any amounts of the claim not repaid through a lump sum payment.</p> <p>If a household is subject to allotment reduction, then a repayment agreement is not necessary unless the household wants to make voluntary payments in addition to the allotment reduction or elects to make monthly payments in amount greater than what would be repaid through allotment reduction.</p>	<p>D. Negotiating Payment Plans</p> <p>Households participating in the program are subject to allotment reduction in accordance with Section 4.801.41, B, unless the claim is being collected at a higher amount.</p> <p>If a household is not participating in the program, then the local office shall negotiate a payment schedule with the household for repayment of any amounts of the claim not repaid through a lump sum payment.</p> <p>If a household is subject to allotment reduction, then a repayment agreement is not necessary unless the household wants to make voluntary payments in addition to the allotment reduction or elects to make monthly payments in amount greater than what would be repaid through allotment reduction.</p>	Removed 'as outlined in this section'. This statement is an unnecessary statement.	
4.801.4(E)(2)	Removed unnecessary cross-references.	<p>2. Claims shall not be considered delinquent under the following circumstances:</p> <p>a. If another Food Assistance claim for the same household is currently being paid, either through an installment agreement or an allotment reduction, and the local office expects to begin collection on the claim once the prior claim(s) is settled;</p> <p>b. If collection is coordinated through the court system and the local office has limited control over collection action;</p> <p>c. If a household timely requests a fair hearing on the existence or amount of the claim and the local office suspends collection action pending a final agency decision. A claim awaiting a fair hearing decision shall not be considered delinquent (see Section 4.801.42).</p>	<p>2. Claims shall not be considered delinquent under the following circumstances:</p> <p>a. If another Food Assistance claim for the same household is currently being paid, either through an installment agreement or an allotment reduction, and the local office expects to begin collection on the claim once the prior claim(s) is settled;</p> <p>b. If collection is coordinated through the court system and the local office has limited control over collection action;</p> <p>c. If a household timely requests a fair hearing on the existence or amount of the claim and the local office suspends collection action pending a final agency decision. A claim awaiting a fair hearing decision shall not be considered delinquent.</p>	The removed cross-references are not necessary to understand the context of this citation.	



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		<p>If the hearing officer determines that a claim does in fact exist against the household, the household shall be sent another demand letter. Delinquency shall be based on the due date of this subsequent demand letter and not on the initial pre-hearing demand letter sent to the household. If the hearing officer determines that a claim does not exist, the claim is deleted shall be terminated and all collection activity ceased (see Section 4.801.43).</p>	<p>If the hearing officer determines that a claim does in fact exist against the household, the household shall be sent another demand letter. Delinquency shall be based on the due date of this subsequent demand letter and not on the initial pre-hearing demand letter sent to the household. If the hearing officer determines that a claim does not exist, the claim is deleted shall be terminated and all collection activity ceased.</p>		
4.801.41(D)	Removed unnecessary cross-references.	<p>D. Offset Against Taxpayer's State Income Tax Refund</p> <p>1. In accordance with Sections 26-2-133, C.R.S. and 39-21-108, C.R.S., the state and county departments may recover overpayments of public assistance benefits through the offset (intercept) of a taxpayer's state income tax refund. Rent rebates are subject to the offset procedure. This method may be used to recover overpayments that have been:</p> <ul style="list-style-type: none"> <li>a. Determined by final agency action, or,</li> <li>b. Ordered by a court as restitution, or,</li> <li>c. Reduced to judgment.</li> </ul> <p>2. Pre-Offset Notice</p> <p>Prior to certifying the taxpayer's name and other information to the Department of Revenue, the Colorado Department of Human Services shall notify the taxpayer in writing at his or her last known address that the state intends to use the tax refund offset to recover the overpayment. The pre-offset notice shall include the name of the local office claiming the overpayment, a reference to Food Assistance as the source of the overpayment, and the current balance</p>	<p>D. Offset Against Taxpayer's State Income Tax Refund</p> <p>1. The state and county departments may recover overpayments of public assistance benefits through the offset (intercept) of a taxpayer's state income tax refund. Rent rebates are subject to the offset procedure. This method may be used to recover overpayments that have been:</p> <ul style="list-style-type: none"> <li>a. Determined by final agency action, or,</li> <li>b. Ordered by a court as restitution, or,</li> <li>c. Reduced to judgment.</li> </ul> <p>2. Pre-Offset Notice</p> <p>Prior to certifying the taxpayer's name and other information to the Department of Revenue, the Colorado Department of Human Services shall notify the taxpayer in writing at his or her last known address that the state intends to use the tax refund offset to recover the overpayment. The pre-offset notice shall include the name of the local office claiming the overpayment, a reference to Food Assistance as the source of the overpayment, and the current balance owed.</p>	The removed cross-references are not necessary to understand the context of this citation.	

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		<p>owed.</p> <p>3. Household Objection to Pre-Offset Notice</p> <p>The taxpayer is entitled to object to the offset by filing a request for a local-level conference or state-level hearing within thirty (30) calendar days from the date that the state department mails its pre-offset notice to the taxpayer. In all other respects, the procedures applicable to such hearings shall be those that are stated in Section 4.802.6. At the hearing on the offset, the county department or Administrative Law Judge shall not consider whether an overpayment has occurred, but may consider, if raised by the taxpayer in his or her request for a hearing, whether:</p> <p>a. The taxpayer was properly notified of the overpayment;</p> <p>b. The taxpayer is the person who owes the overpayment;</p> <p>c. The amount of the overpayment has been paid or is incorrect;</p> <p>d. The debt created by the overpayment has been discharged through bankruptcy;</p> <p>e. Other special circumstances exist as described in Section 4.801.42.</p>	<p>3. Household Objection to Pre-Offset Notice</p> <p>The taxpayer is entitled to object to the offset by filing a request for a local-level conference or state-level hearing within thirty (30) calendar days from the date that the state department mails its pre-offset notice to the taxpayer. At the hearing on the offset, the county department or Administrative Law Judge shall not consider whether an overpayment has occurred, but may consider, if raised by the taxpayer in his or her request for a hearing, whether:</p> <p>a. The taxpayer was properly notified of the overpayment;</p> <p>b. The taxpayer is the person who owes the overpayment;</p> <p>c. The amount of the overpayment has been paid or is incorrect;</p> <p>d. The debt created by the overpayment has been discharged through bankruptcy;</p> <p>e. Other special circumstances exist as described in Section 4.801.42.</p>		
4.802	Removed unnecessary cross-references.	<p>APPEAL PROCESS</p> <p>Any household that is aggrieved by any action of the local office affecting the household's participation in the Program may appeal by requesting a local-level dispute resolution conference and/or a state-level fair hearing.</p>	<p>APPEAL PROCESS</p> <p>Any household that is aggrieved by any action of the local office affecting the household's participation in the Program may appeal by requesting a local-level dispute resolution conference and/or a state-level fair hearing.</p>	The removed cross-references are not necessary to understand the context of this citation.	

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		<p>The right of a household to a local-level dispute resolution conference and state-level hearing is primarily to ensure that a proposed eligibility determination or action is valid; to protect the person against an erroneous action concerning benefits; and to ensure reasonable promptness of local office action. The individual may choose to request a local-level dispute resolution conference or bypass the dispute resolution process and appeal directly to the Colorado Department of Personnel and Administration, Office of Administrative Courts (OAC), for a state-level fair hearing.</p> <p>The Office of Administrative Courts may deny fair hearings to those households that are disputing a mass change, as outlined in Section 4.607 or the fact that a statewide reduction, cancellation, or suspension was ordered per the provisions contained within Section 4.904.4. In such instances, the OAC is not required to hold a fair hearing unless the request is based on the household's belief that the rules were misapplied.</p>	<p>The right of a household to a local-level dispute resolution conference and state-level hearing is primarily to ensure that a proposed eligibility determination or action is valid; to protect the person against an erroneous action concerning benefits; and to ensure reasonable promptness of local office action. The individual may choose to request a local-level dispute resolution conference or bypass the dispute resolution process and appeal directly to the Colorado Department of Personnel and Administration, Office of Administrative Courts (OAC), for a state-level fair hearing.</p> <p>The Office of Administrative Courts may deny fair hearings to those households that are disputing a mass change or the fact that a statewide reduction, cancellation, or suspension was ordered. In such instances, the OAC is not required to hold a fair hearing unless the request is based on the household's belief that the rules were misapplied.</p>		
4.802.2(C)	Removed unnecessary cross-reference.	<p>C. Establishing a Claim on Benefits That Were Continued</p> <p>If the local office action is upheld by the hearing decision, a claim shall be established against the household for all over-issuances. This includes over-issuances due to the household receiving a continuation of benefits that the household was determined not eligible to receive. Such claims shall be classified as an inadvertent household error claim (see Section 4.801.1).</p>	<p>C. Establishing a Claim on Benefits That Were Continued</p> <p>If the local office action is upheld by the hearing decision, a claim shall be established against the household for all over-issuances. This includes over-issuances due to the household receiving a continuation of benefits that the household was determined not eligible to receive. Such claims shall be classified as an inadvertent household error claim.</p>	The removed cross-reference is not necessary to understand the context of this citation.	
4.802.21(A)	Removed unnecessary cross-reference.	<p>Households Disputing Restoration of Lost Benefits</p> <p>A. The household has the right to appeal through the fair hearing process if the household disagrees with any action taken to grant or restore lost</p>	<p>Households Disputing Restoration of Lost Benefits</p> <p>A. The household has the right to appeal through the fair hearing process if the household disagrees with any action taken to grant or restore lost benefits.</p>	The removed cross-reference is not necessary to understand the context of	

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		benefits (see Section 4.702.2).		this citation.	
4.802.51(B)	Removed unnecessary cross-reference.	<p><b>B. Scheduling a Conference</b></p> <p>1. To the extent possible, the local-level dispute resolution conference shall be scheduled and conducted within the prior notice period. If the local office cannot conduct the conference within this period, for whatever reason, the adverse action in dispute shall be delayed until a conference can be held, unless the household waives continuation of benefits.</p> <p>2. If a conference is requested to attempt to resolve a contested denial of expedited service pursuant to Section 4.205.1, it shall be scheduled within two (2) working days of the receipt of the request for a conference unless the household requests that the conference be held later. Prior notice is not required.</p> <p>3. The local office shall provide reasonable notice to the household of the scheduled time and location for the conference, or the time of the scheduled telephone conference. Notice shall be in writing; however, verbal notice may be given to facilitate the dispute resolution process.</p>	<p><b>B. Scheduling a Conference</b></p> <p>1. To the extent possible, the local-level dispute resolution conference shall be scheduled and conducted within the prior notice period. If the local office cannot conduct the conference within this period, for whatever reason, the adverse action in dispute shall be delayed until a conference can be held, unless the household waives continuation of benefits.</p> <p>2. If a conference is requested to attempt to resolve a contested denial of expedited service, it shall be scheduled within two (2) working days of the receipt of the request for a conference unless the household requests that the conference be held later. Prior notice is not required.</p> <p>3. The local office shall provide reasonable notice to the household of the scheduled time and location for the conference, or the time of the scheduled telephone conference. Notice shall be in writing; however, verbal notice may be given to facilitate the dispute resolution process.</p>	The removed cross-reference is not necessary to understand the context of this citation.	
4.802.61(D)	Removed unnecessary cross-reference.	<p><b>D. When an appellant fails to appear at a duly scheduled hearing, having been given proper notice, and without having given timely advance notice to the ALJ of acceptable good cause for inability to appear at the hearing at the time, date and place specified in the notice of hearing, then the appeal shall be considered abandoned, and an order of dismissal shall be entered by the ALJ and served upon the parties by the Office of Administrative Courts. The order of dismissal for failure to appear shall not be implemented pending review by the Office of Appeals and entry of a final agency decision.</b></p>	<p><b>D. When an appellant fails to appear at a duly scheduled hearing, having been given proper notice, and without having given timely advance notice to the ALJ of acceptable good cause for inability to appear at the hearing at the time, date and place specified in the notice of hearing, then the appeal shall be considered abandoned, and an order of dismissal shall be entered by the ALJ and served upon the parties by the Office of Administrative Courts. The order of dismissal for failure to appear shall not be implemented pending review by the Office of Appeals and entry of a final agency decision.</b></p>	The removed cross-reference is not necessary to understand the context of this citation.	

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		<p>The appellant, however, shall be afforded a period of ten (10) calendar days from the date the order of dismissal was mailed, during which the appellant may explain in a letter to the Administrative Law Judge the reason for his or her failure to appear. If the ALJ then finds that there was acceptable good cause for the appellant not appearing, the ALJ shall vacate the order dismissing the appeal and reschedule another hearing date.</p> <p>If the appellant does not submit a letter seeking to show good cause within a period of ten (10) calendar days, the order of dismissal shall be filed with the Office of Appeals of the State Department. The Office of Appeals shall confirm the dismissal of the appeal by an agency decision, which shall be served upon the parties and the interested Division of the State Department. Within three (3) working days after the effective date of the decision, the local office shall implement necessary actions to provide benefits in the correct amount, to terminate benefits, to recover benefits incorrectly paid, and/or other appropriate actions in accordance with the rules.</p> <p>If the appellant submits a letter seeking to show good cause and the Administrative Law Judge finds that the stated facts do not constitute good cause, he/she shall enter an initial decision confirming the dismissal. The appellant may file exceptions to the initial decision pursuant to the provisions outlined at Section 4.802.63, D.</p>	<p>The appellant, however, shall be afforded a period of ten (10) calendar days from the date the order of dismissal was mailed, during which the appellant may explain in a letter to the Administrative Law Judge the reason for his or her failure to appear. If the ALJ then finds that there was acceptable good cause for the appellant not appearing, the ALJ shall vacate the order dismissing the appeal and reschedule another hearing date.</p> <p>If the appellant does not submit a letter seeking to show good cause within a period of ten (10) calendar days, the order of dismissal shall be filed with the Office of Appeals of the State Department. The Office of Appeals shall confirm the dismissal of the appeal by an agency decision, which shall be served upon the parties and the interested Division of the State Department. Within three (3) working days after the effective date of the decision, the local office shall implement necessary actions to provide benefits in the correct amount, to terminate benefits, to recover benefits incorrectly paid, and/or other appropriate actions in accordance with the rules.</p> <p>If the appellant submits a letter seeking to show good cause and the Administrative Law Judge finds that the stated facts do not constitute good cause, he/she shall enter an initial decision confirming the dismissal.</p>		
4.802.62(D)(6)	Removed unnecessary cross-reference.	6. The Division(s) of the State Department responsible for administering the program(s) relevant to the appeal may file exceptions to the initial decision, or respond to exceptions filed by a party, even though the Division has not previously appeared as a party to the appeal. The Division's exceptions or responses shall be filed in compliance with the requirements of	6. The Division(s) of the State Department responsible for administering the program(s) relevant to the appeal may file exceptions to the initial decision, or respond to exceptions filed by a party, even though the Division has not previously appeared as a party to the appeal. Exceptions filed by a Division that did not appear as a party at the hearing shall be treated as requesting	The removed cross-reference is not necessary to understand the context of this citation.	

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		Section 4.802.63, D, 1, above. Exceptions filed by a Division that did not appear as a party at the hearing shall be treated as requesting review of the initial decision upon the State Department's own motion.	review of the initial decision upon the State Department's own motion.		
4.802.62(E)(2)	Removed unnecessary cross-reference.	2. In the absence of exceptions filed by any party or by a Division of the State Department, the Office of Appeals shall review the initial decision and may review the hearing file of the Administrative Law Judge and/or the taped testimony of witnesses before entering a final agency decision. Review by the Office of Appeals shall determine whether the decision properly interprets and applies the rules of the State Department or relevant statutes and whether the findings of fact and conclusions of law support the decision. If a party or Division of the State Department objects to the agency decision entered upon review by the Office of Appeals, the party or Division may seek reconsideration pursuant to Section 4.802.63, F.	2. In the absence of exceptions filed by any party or by a Division of the State Department, the Office of Appeals shall review the initial decision and may review the hearing file of the Administrative Law Judge and/or the taped testimony of witnesses before entering a final agency decision. Review by the Office of Appeals shall determine whether the decision properly interprets and applies the rules of the State Department or relevant statutes and whether the findings of fact and conclusions of law support the decision. If a party or Division of the State Department objects to the agency decision entered upon review by the Office of Appeals, the party or Division may seek reconsideration.	The removed cross-reference is not necessary to understand the context of this citation.	
4.802.62(F)(1)(a)	Removed unnecessary cross-reference.	F. Motion for Reconsideration of a Final Agency Decision  1. A motion for reconsideration of a final agency decision may be granted by the Office of Appeals for the following reasons:  a. Upon a showing of good cause for failure to file exceptions to the initial decision within the fifteen (15) calendar day period allowed by Section 4.802.63, D, 1; or,  b. Upon a showing that the agency decision is based upon a clear or plain error of fact or law. An error of law means failure by the Office of Appeals to follow a rule, statute, or court decision that controls the outcome of the appeal.	F. Motion for Reconsideration of a Final Agency Decision  1. A motion for reconsideration of a final agency decision may be granted by the Office of Appeals for the following reasons:  a. Upon a showing of good cause for failure to file exceptions to the initial decision within the fifteen (15) calendar day period or,  b. Upon a showing that the agency decision is based upon a clear or plain error of fact or law. An error of law means failure by the Office of Appeals to follow a rule, statute, or court decision that controls the outcome of the appeal.	The removed cross-reference is not necessary to understand the context of this citation.	
4.803(C-D)	Removed unnecessary cross-references.	C. Administrative disqualification procedures or referral for prosecution should be initiated by the local office anytime it has sufficient documentary evidence to substantiate that an individual has committed one or	C. Administrative disqualification procedures or referral for prosecution should be initiated by the local office anytime it has sufficient documentary evidence to substantiate that an individual has committed one or	The removed cross-references are not necessary to	

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		<p>more acts of intentional program violation/fraud as defined in Section 4.803.2. If administrative disqualification procedures or referral for prosecution is not initiated for a case involving an over-issuance caused by a suspected act of intentional program violation/fraud, an inadvertent household error claim shall be established against the household.</p> <p>D. In cases where the determination of fraud is reversed by a court of appropriate jurisdiction or by a final agency decision, the local office shall reinstate the individual in the Program if the household is otherwise eligible. The local office shall restore any benefits that were lost as a result of the disqualification in accordance with the procedures specified in Section 4.702.</p>	<p>more acts of intentional program violation/fraud. If administrative disqualification procedures or referral for prosecution is not initiated for a case involving an over-issuance caused by a suspected act of intentional program violation/fraud, an inadvertent household error claim shall be established against the household.</p> <p>D. In cases where the determination of fraud is reversed by a court of appropriate jurisdiction or by a final agency decision, the local office shall reinstate the individual in the Program if the household is otherwise eligible. The local office shall restore any benefits that were lost as a result of the disqualification.</p>	understand the context of this citation.	
4.803.2(C)	Removed unnecessary language.	C. The determination of intentional program violation shall be based upon clear and convincing evidence that demonstrates that the household member(s) committed and intended to commit intentional program violation as defined in B, above. "Clear and convincing" means evidence which is stronger than a "preponderance of evidence" and which is unmistakable and free from serious or substantial doubt.	C. The determination of intentional program violation shall be based upon clear and convincing evidence that demonstrates that the household member(s) committed and intended to commit intentional program violation. "Clear and convincing" means evidence which is stronger than a "preponderance of evidence" and which is unmistakable and free from serious or substantial doubt.	The statement 'as defined in B, above' is no necessary to understand this citation.	
4.803.41(B)(7)	Removed unnecessary cross-reference.	7. A statement of which penalty the hearing officer believes is applicable to the case scheduled for the hearing. See Section 4.803.3 for the types of disqualifications and appropriate penalties associated with intentional program violations.	7. A statement of which penalty the hearing officer believes is applicable to the case scheduled for the hearing.	The removed cross-reference is not necessary to understand the context of this citation.	
4.803.44(C)	Removed unnecessary cross-reference.	C. Following the conclusion of the hearing at the state-level, the ALJ shall prepare and issue an initial decision that shall contain a determination of whether the county or State Department acted in accordance with, and properly interpreted the rules and regulations of the State Department. For the purpose of the decision, material issues of law shall be defined. The	C. Following the conclusion of the hearing at the state-level, the ALJ shall prepare and issue an initial decision that shall contain a determination of whether the county or State Department acted in accordance with, and properly interpreted the rules and regulations of the State Department. For the purpose of the decision, material issues of law shall be defined. The	The removed cross-reference is not necessary to understand the context of this citation.	

**Title of Proposed Rule:** Technical Cleanup of the Food Assistance Program  
**CDHS Tracking #:** 18-09-28-02  
**CCR #:** 10 CCR 2506-1  
**Office, Division, & Program:** OES, FEAD, Food Assistance Phone: 303-866-5813  
**Rule Author:** Teri Chasten E-Mail: Teri.Chasten@state.co.us

Rule section Number	Issue	Old Language	New Language or Response	Reason / Example / Best Practice	Public Comment No / Detail
		<p>ALJ has no jurisdiction or authority to determine issues of constitutionality or legality of departmental rules or regulations. This decision is prepared and filed with the Colorado Department of Human Services for service to each party.</p> <p>In the case of a hearing before the Administrative Law Judge (ALJ), this determination shall be an initial decision to be reviewed by the Office of Appeals pursuant to Section 4.802.63, D. The initial decision shall not be implemented pending review by the Office of Appeals and entry of a final agency decision. The initial decision shall advise the household that failure to file exceptions to provisions of the initial decision will waive the right to seek judicial review of a final agency decision affirming those provisions.</p>	<p>ALJ has no jurisdiction or authority to determine issues of constitutionality or legality of departmental rules or regulations. This decision is prepared and filed with the Colorado Department of Human Services for service to each party.</p> <p>In the case of a hearing before the Administrative Law Judge (ALJ), this determination shall be an initial decision to be reviewed by the Office of Appeals. The initial decision shall not be implemented pending review by the Office of Appeals and entry of a final agency decision. The initial decision shall advise the household that failure to file exceptions to provisions of the initial decision will waive the right to seek judicial review of a final agency decision affirming those provisions.</p>		
4.803.5(A)(2)	Removed unnecessary cross-reference.	2. The individual who acts as a local-level hearing officer is required to carefully consider the evidence and determine, based on clear and convincing evidence, if the individual intended to commit an intentional program violation as outlined in Section 4.803.2.	2. The individual who acts as a local-level hearing officer is required to carefully consider the evidence and determine, based on clear and convincing evidence, if the individual intended to commit an intentional program violation.	The removed cross-reference is not necessary to understand the context of this citation.	
4.804.1(A)(6)	Removed unnecessary cross-reference.	6. A warning that the disqualification penalties for fraud under the Food Assistance Program that could be imposed and a statement of which penalty the hearing office believes is applicable to the case scheduled for the hearing. See Section 4.803.2, F, for the fraud disqualification penalties.	6. A warning that the disqualification penalties for fraud under the Food Assistance Program that could be imposed and a statement of which penalty the hearing office believes is applicable to the case scheduled for the hearing.	The removed cross-reference is not necessary to understand the context of this citation.	



**Title of Proposed Rule:** Technical Cleanup of the Food Assistance Program  
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**STAKEHOLDER COMMENT SUMMARY**

**Development**

*The following individuals and/or entities were included in the development of these proposed rules (such as other Program Areas, Legislative Liaison, and Sub-PAC):*

**This Rule-Making Package**

*The following individuals and/or entities were contacted and informed that this rule-making was proposed for consideration by the State Board of Human Services:*

**Other State Agencies**

Are other State Agencies (such as HCPF or CDPHE) impacted by these rules? If so, have they been contacted and provided input on the proposed rules?

Yes  No

If yes, who was contacted and what was their input?

**Sub-PAC**

Have these rules been reviewed by the appropriate Sub-PAC Committee?

Yes  No

Name of Sub-PAC	Economic Security		
Date presented	October 2018		
What issues were raised?	None		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	15	0	1
If not presented, explain why.			

**PAC**

Have these rules been approved by PAC?

Yes  No

Date presented	November 1, 2018		
What issues were raised?	None		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	All	0	0
If not presented, explain why.			

**Other Comments**

Comments were received from stakeholders on the proposed rules:

Yes  No

*If "yes" to any of the above questions, summarize and/or attach the feedback received, including requests made by the State Board of Human Services, by specifying the section and including the Department/Office/Division response. Provide proof of agreement or ongoing issues with a letter or public testimony by the stakeholder.*

## 4.070 COMPLAINT REQUIREMENTS

The local office shall, ~~as part of its overall outreach responsibility,~~ publicize the state's complaint system.

In addition, the local office shall advise any household wishing to file a complaint of the complaint procedure and offer assistance in filing a complaint, if appropriate.

The State Department shall ensure that information is made available to potential participants, applicants, participants, or other interested persons concerning the complaint system, and the procedure for filing a complaint at the state or county level. Such information shall be made available to potential participants, applicants, and other interested parties through written materials and posters which shall be prominently displayed in all certification and issuance offices.

~~For complaints of discrimination, refer to 4.070.2 through 4.070.22.~~

The local office shall make every effort to resolve all complaints, excluding complaints of discrimination, brought to their attention at the local level. However, all complainants shall be informed they have the right to contact the State Department if they are not satisfied with the action taken at the local level.

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### 4.070.2 Non-Discrimination Complaint Requirements

STATE AND LOCAL AGENCIES SHALL NOT DISCRIMINATE AGAINST ANY APPLICANT OR PARTICIPANT IN ANY ASPECT OF PROGRAM ADMINISTRATION, INCLUDING, BUT NOT LIMITED TO, THE CERTIFICATION OF HOUSEHOLDS, THE ISSUANCE OF COUPONS, THE CONDUCT OF FAIR HEARINGS, OR THE CONDUCT OF ANY OTHER PROGRAM SERVICE FOR REASONS OF AGE, RACE, COLOR, SEX, DISABILITY, RELIGIOUS CREED, NATIONAL ORIGIN, POLITICAL BELIEFS, OR REPRISAL OR RETALIATION FOR PRIOR CIVIL RIGHTS ACTIVITY IN ANY PROGRAM OR ACTIVITY FUNDED BY THE USDA. DISCRIMINATION IN ANY ASPECT OF PROGRAM ADMINISTRATION IS PROHIBITED. ~~Food Assistance benefits shall be extended to all eligible households without regard to age, race, color, sex, disability, religious creed, national origin or political beliefs.~~ Local offices shall ensure that the nondiscrimination poster provided by FNS is prominently displayed. Posters may be obtained through the State Department.

The local office shall explain the complaint procedures, as outlined in 4.070.21 "Discrimination Complaint Procedure," to each person expressing an interest in filing a discrimination complaint and shall advise the individual of the right to file a complaint under this procedure. Such information shall be made available within ten (10) calendar days from the date of request.

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### 4.070.21 Discrimination Complaint Procedure

- A. Individuals who believe they have been subject to discrimination may file a written complaint with the USDA, FNS national office, the local office, and/or the State Department. All complaints of alleged discrimination shall be made in writing and shall be submitted to the FNS national office.

If allegations of discrimination are made verbally, and if the complainant is unable or unwilling to put the allegations in writing, the State or county employee to whom the allegation is made shall document the complaint in writing. The person accepting the complaint shall make every effort to secure the information specified in Subsection C, below.

- B. The complainant shall be advised that a complaint may be submitted to the State Department, FNS or both, and that a complaint shall not be investigated unless information specified in items C, 4-2, through C, ~~6-4~~, below, is provided. In addition, the complainant shall be advised that a complaint must be filed no later than one hundred eighty (180) calendar days from the date of the alleged discrimination. The local office shall date stamp or otherwise note the date the complaint is received by the office.

1. Complaints directed to the FNS national office shall be addressed to: U.S. Department of Agriculture, Director, ~~Office of Adjudication~~, OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410; FAX: (202) 690-7442; EMAIL: PROGRAM.INTAKE@USDA.GOV.
2. Complaints directed to the State Department shall be addressed to: Colorado Department of Human Services, Food Assistance Program, 1575 Sherman St., Denver, CO 80203.

C. The complaint shall include the following information to facilitate investigations:

1. The name, address and telephone number or other means of contacting the person alleging discrimination;
2. The location and name of the office which is accused of discriminatory practices;
3. The nature of the incident or action, or the aspect of Program administration that led the person to allege discrimination;
4. The reason for the alleged discrimination (~~age, race, color, sex, handicap, religious creed, national origin, or political beliefs~~);
5. The name(s) and title(s), if appropriate, of person(s) who may have knowledge of the alleged discriminatory act; and
6. The date(s) on which the alleged discriminatory action(s) occurred.

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#### 4.100 FOOD ASSISTANCE PROGRAM DEFINITIONS

~~“ABAWD”, see “Able bodied adult without dependent.”~~

“ABAWD County” means a county with an Employment First Program that requires ABAWDs to meet a mandatory monthly ABAWD work requirement of working or participating in an acceptable work activity eighty (80) hours per month or completing all assigned workfare hours monthly.

“Able-bodied adult without dependent (ABAWD)” means an individual between the ages of eighteen (18) and fifty (50) without a physical or mental disability, who is not pregnant, and who lives in a food assistance household with no one under the age of eighteen (18).

~~“ACSES”, see “Automated Child Support Enforcement System.”~~

“Administrative disqualification hearing (ADH)” means a disqualification hearing against an individual accused of wrongfully obtaining or attempting to obtain assistance.

“Administrative law judge (ALJ)” means the person that presides over fair hearings and administrative disqualification hearings at the state level.

“Adverse action” means any action taken by a local office that causes a household’s benefits to be reduced or terminated.

“Adverse action period” means the period of time that elapses prior to the adverse action becoming effective during the certification period.

“Agency error claim” means that a debt has been established for the household to repay due to an overpayment of benefits that was issued to the household resulting from an error made by the local office.

“Allotment” means the total amount of Food Assistance benefits a household is authorized to receive in a particular month.

~~“ALJ”, see “Administrative Law Judge.”~~

“Appeal” means a request made by a household to have a decision about its case reviewed by an impartial third party to determine whether the decision was correct.

“Application filing date” means the date an application for assistance is received by the county office.

“Application” means a request on a state-approved form for benefits, which can include the electronic state-prescribed form.”

“Application for redetermination/RECERTIFICATION (RRR)” means an application submitted prior to the last month of the certification period to determine a household’s continued eligibility for the next certification period.

“Application process” means the required process a household must complete for purposes of determining eligibility for benefits.

“Authorized representative” means an individual who has been designated in writing by a responsible member of the household to act on behalf of or assist the household with the application process, obtaining benefits, and/or in using benefits at authorized retailers.

“Automated Child Support Enforcement System (ACSES)” means the automated computer system used by Child Support Services to record child support payments.

“Basic Categorical Eligibility (BCE)” means the status granted to any household that is not eligible for Expanded Categorical Eligibility and contains only members who receive, or are eligible to receive, benefits from Colorado Works, Supplemental Security Income, Old Age Pension, Aid to the Needy and Disabled, Aid to the Blind, or a combination of these benefits (~~see Section 4.4011-1,1~~).

“Basic Utility Allowance (BUA)” means a fixed deduction applied to a household that does not pay for heating or cooling and incurs at least two (2) non-heating or non-cooling utility costs, such as electricity, water, sewer, trash, cooking fuel, or telephone.

~~“BCE”, see “Basic Categorical Eligibility.”~~

“Boarder” means an individual residing with others and paying reasonable compensation to others for lodging and meals.

“Boarding house” means an establishment that is licensed as a commercial enterprise and which offers meals and lodging for compensation.

~~“BUA”, see “Basic Utility Allowance.”~~

“Case payee” means the person appointed to receive the household’s benefits.

“Case record” means a combination of the physical case file that contains documents pertinent to a household’s case; similar documents maintained in an electronic database; and information about the household that is contained within the statewide automated system.

~~“CBMS”, see “Colorado Benefits Management System.”~~

“Certification period” means the period of time for which a household has been certified to receive benefits.

“Civil union” means a legally binding partnership between two individuals without the legal recognition of these individuals as spouses.

“Claim” means a debt resulting from an overpayment of benefits that a household is obligated to repay.

“Clear and convincing evidence” means evidence which is stronger than a preponderance of evidence and which is unmistakable and free from serious or substantial doubt.

~~“Client error claim” means a debt that has been established for the household to repay due to an overpayment of benefits that was issued to a household due to a misunderstanding or unintentional error on the part of the household.~~

“Collateral contact” means a verbal or written confirmation of a household's circumstances by a person outside the household who has first-hand knowledge of the information, made either in person, electronically submitted or by telephone.

“COLORADO BENEFITS MANAGEMENT SYSTEM (CBMS)” MEANS THE COMPUTER SYSTEM USED TO DETERMINE FOOD ASSISTANCE ELIGIBILITY.

“Colorado Electronic Benefit Transfer System (CO/EBTS)” means the electronic system that enables Food Assistance participants or their authorized representatives to redeem their Food Assistance benefits at point-of-sale terminals.

“COLORADO UNEMPLOYMENT BENEFITS SYSTEM (CUBS)” MEANS THE ELECTRONIC SYSTEM BY WHICH UNEMPLOYMENT INSURANCE BENEFITS (UIB) ARE DETERMINED BY COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT.

“Communal dining facility” means an establishment approved by FNS that prepares and serves meals for elderly persons, or for Supplemental Security Income (SSI) recipients, and their spouses. This also includes federally subsidized housing for elderly persons at which meals are prepared for and served to the residents. It also includes private establishments that contract with an appropriate State or local agency to offer meals at concessional prices to elderly persons or SSI recipients, and their spouses.

“Compromise” means the decision to reduce the amount of a claim that is owed by a household.

“County Assistance Office” means the county social or human services office that is responsible for administering the Food Assistance Program.

~~“CUBS” means the Colorado Unemployment Benefits System.~~

~~“D-SNAP” means the Disaster Supplemental Nutrition Assistance Program (D-SNAP). This Program shall be implemented as a result of a “major disaster” or “temporary emergency” to provide temporary assistance to households affected by these misfortunes.~~ A MEANS THE FOOD ASSISTANCE PROVIDED TO THE AFFECTED AREAS WHEN A Presidential disaster declaration for individual assistance IS must be declared for the affected areas to be eligible for DSNAP, and the decision to implement this Program after a Presidential declaration shall be at the affected county's discretion in coordination with the State Food Assistance Office and FNS.

~~“DCA”, see “Disqualification Consent Agreement.”~~

~~“Demand letter”, see “Notice of Overpayment” and “Repayment Agreement.”~~

“DISABLED” MEANS A PERSON WHO:

1. RECEIVES SUPPLEMENTAL SECURITY INCOME BENEFITS UNDER TITLE XVI OF THE SOCIAL SECURITY ACT, OR THE COLORADO SUPPLEMENT, OR AID TO THE NEEDY AND DISABLED- SUPPLEMENTAL SECURITY INCOME-COLORADO SUPPLEMENT (AND-SSI-CS), OR AID TO THE BLIND-SUPPLEMENTAL SECURITY INCOME-COLORADO SUPPLEMENT (AB-SSI-CS); OR DISABILITY OR BLINDNESS PAYMENTS UNDER TITLE I, II, X, OR IXV OF THE SOCIAL SECURITY ACT;
2. IS A VETERAN WITH A SERVICE-CONNECTED DISABILITY RATED OR PAID AS A TOTAL DISABILITY UNDER TITLE 38 OF THE UNITED STATES CODE OR IS A

- VETERAN RECEIVING A PENSION FOR A NON-SERVICE CONNECTED DISABILITY;
3. IS A VETERAN CONSIDERED BY THE VA TO BE IN NEED OF REGULAR AID AND ATTENDANCE OR PERMANENTLY HOUSEBOUND UNDER TITLE 38 OF THE CODE;
  4. IS A SURVIVING SPOUSE OF A VETERAN AND CONSIDERED IN NEED OF AID AND ATTENDANCE OR PERMANENTLY HOUSEBOUND OR A SURVIVING CHILD OF A VETERAN AND CONSIDERED BY THE VA TO BE PERMANENTLY INCAPABLE OF SELF-SUPPORT UNDER TITLE 38 OF THE UNITED STATES CODE;
  5. IS A SURVIVING SPOUSE OR CHILD OF A VETERAN AND CONSIDERED BY THE VA TO BE ENTITLED TO COMPENSATION FOR A SERVICE-CONNECTED DEATH OR PENSION BENEFITS FOR A NON-SERVICE-CONNECTED DEATH UNDER TITLE 38 OF THE UNITED STATES CODE AND HAS A DISABILITY CONSIDERED PERMANENT UNDER SECTION 221(I) OF THE SOCIAL SECURITY ACT. "ENTITLED", AS USED IN THIS DEFINITION, REFERS TO THOSE VETERANS' SURVIVING SPOUSES AND CHILDREN WHO ARE RECEIVING THE COMPENSATION OR BENEFITS OR HAVE BEEN APPROVED FOR SUCH BENEFITS BUT ARE NOT YET RECEIVING THEM;
  6. IS A PERSON WHO HAS A DISABILITY CONSIDERED PERMANENT UNDER SECTION 221(I) OF THE SOCIAL SECURITY ACT (SSA) AND RECEIVES A FEDERAL, STATE, OR LOCAL PUBLIC DISABILITY RETIREMENT PENSION;
  7. IS A PERSON WHO RECEIVES AN ANNUITY FOR DISABILITY FROM THE RAILROAD RETIREMENT BOARD WHO IS CONSIDERED DISABLED BY THE SSA OR WHO QUALIFIES FOR MEDICARE AS DETERMINED BY THE RAILROAD RETIREMENT BOARD; OR
  8. IS A RECIPIENT OF INTERIM ASSISTANCE BENEFITS PENDING THE RECEIPT OF THE SUPPLEMENTAL SECURITY INCOME (SSI), DISABILITY-RELATED MEDICAL ASSISTANCE UNDER TITLE XIX OF THE SOCIAL SECURITY ACT, OR DISABILITY-BASED STATE ASSISTANCE BENEFITS PROVIDED THAT THE ELIGIBILITY TO RECEIVE THESE BENEFITS IS BASED ON DISABILITY OR BLINDNESS CRITERIA WHICH ARE AT LEAST AS STRINGENT AS THOSE USED UNDER TITLE XVI OF THE SOCIAL SECURITY ACT.

"Dispute resolution conference (DRC)" means an informal meeting between a household and the local office to review an action taken on a case and the relevant facts pertaining to such action.

"Disqualification Consent Agreement (DCA)" means the form that allows the individual(s) suspected of intentional Program violation/fraud to consent to his/her disqualification in cases of deferred adjudication.

"Disqualified individuals" means any individual who is ineligible to receive Food Assistance due to having been disqualified for an intentional Program violation/fraud, failure to provide or obtain a SSN, ineligible non-citizens, individuals disqualified for failure to cooperate with work requirements, individuals disqualified for failure to cooperate with the State quality assurance division, and able-bodied adults without dependents who have been disqualified after receiving three months of benefits within thirty-six (36) months without meeting the monthly ABAWD work requirement.

"Documentary evidence" means written information used to verify the income, expenses, and other circumstances of a household.

"Documentation" means the collection of documentary evidence, verification, case notes, and other information related to a household's case upon which eligibility determinations and other decisions are based.

"DRC", see "Dispute resolution conference."

“Drug and Alcohol Treatment Center (DAA)” means any residential facility run 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 U.S.C. 300x et seq.) that provides rehabilitative treatment to persons participating in a drug or alcohol treatment program.

“Dual participation” means the receipt of benefits in more than one Food Assistance household or state in the same calendar month.

~~“Duplicate benefits”, see “Dual Participation.”~~

~~“EF”, see “Employment First.”~~

“Elderly” means an individual that is sixty (60) years of age or older.

~~“EBT (CO/EBTS)” MEANS see “Colorado Electronic Benefit Transfer. System.”~~

“EBT card” means the card issued to persons authorized to receive Food Assistance to which the household’s allotment is credited. Used for Food Assistance purposes to purchase eligible foods at approved retailers.

“Employment and Training Program” means a program operated by the Department of Human Services consisting of work, training, education, work experience, and/or job search activities designed to help recipients obtain gainful employment.

“Employment First (EF)” means Colorado’s Employment and Training program.

“Excess medical deduction” means a deduction from a household's total gross income applied when a person with a disability OR A PERSON ~~or person~~ who is elderly has medical expenses over a specified monthly amount.

“Exempt income” means income that is exempt from consideration when determining eligibility for Food Assistance.

“Expanded Categorical Eligibility (ECE)” means households that are exempt from having resources considered when determining eligibility for Food Assistance.

“Expedited service” means the method by which an application for Food Assistance is processed to ensure that the neediest households have access to Food Assistance benefits no later than the seventh (7<sup>th</sup>) calendar day following the date of application.

“Fair Hearing” means a hearing conducted in person or on the telephone by the Office of Administrative Courts to provide an impartial decision on a household’s appeal of a local office’s decision or action.

“Financial criteria” means the set of rules governing gross and net income and resource standards and the proper methods for computing a household’s income and resources.

“Fleeing felon” means an individual who is fleeing to avoid prosecution or arrest for a felony under a state or federal law.

“FNS” means the Food and Nutrition Service of the U.S. Department of Agriculture.

“Fraud” means the act committed by a person when obtaining, attempting to obtain, or aiding and abetting another to obtain assistance benefits through intentionally false statements, representations, or the withholding of material information.

“Full-time student” means a person who has a school schedule equivalent to a full-time curriculum as defined by the institute of higher education the person is attending.

“Good cause” means a waiver granted to a person or household a) excusing them from complying with a specific eligibility requirement because compliance could cause adverse consequences to the person or household, or b) providing the household with more time to comply with a specific eligibility requirement.

“G-845” means the form submitted to the U.S. Citizenship and Immigration Services to request immigration status verification for a Food Assistance applicant or participant.

“Gross Income” means the total of all non-exempt earned and unearned income added together before any deduction or disregard is considered.

“Group Living Arrangement (GLA)” means a public or private non-profit facility certified under Section 1616(e) of the Social Security Act which serves no more than sixteen (16) people.

“HCUA”, ~~see “Heating/Cooling Utility Allowance.”~~

“Head of household (HOH)” means the person who is generally regarded as the person with the most knowledge of the household’s circumstances. The head of household is the person to whom the local office addresses correspondence and notices about the household’s case. This person is generally the individual who completes the application process and is responsible for obtaining and using the household’s EBT card.

“Heating/Cooling Utility Allowance (HCUA)” means a fixed deduction applied to any household that incurs a heating or cooling expense.

“HOH”, ~~see “Head of Household.”~~

“Homeless” means an individual who lacks a fixed and regular nighttime residence or whose primary residence is: a supervised shelter designed for temporary accommodations, a halfway house or similar facility that provides temporary residence, a place not designed for or ordinarily used as regular sleeping accommodations for human beings, or a temporary accommodation in a THE residence of another individual for ninety (90) days or less.

“Homeless meal provider” means:

- A. A public or private nonprofit establishment that feeds homeless persons; or,
- B. A restaurant which contracts with an appropriate State agency to offer meals at concessional (low or reduced) prices to homeless persons.

“Household” means a group of individuals who live together and customarily purchase and prepare food together.

“Household income” means all earned and unearned income received or anticipated to be received by household members from all sources, unless specifically exempted for Food Assistance eligibility purposes.

“IEVS”, ~~see “Income and Eligibility Verification System.”~~

“Inadvertent Household Error Claim” MEANS A DEBT THAT HAS BEEN ESTABLISHED FOR THE HOUSEHOLD TO REPAY DUE TO AN OVERPAYMENT OF BENEFITS THAT WAS ISSUED TO A HOUSEHOLD DUE TO A MISUNDERSTANDING OR UNINTENTIONAL ERROR ON THE PART OF THE HOUSEHOLD. , ~~see “Client Error Claim.”~~

“Income and Eligibility Verification System (IEVS)” means a system used to match applicants’ and participants’ Social Security Numbers with the Social Security Administration, Internal Revenue Service, and the Department of Labor and Employment to obtain information about household income.



“Initial application” means a household’s first application for assistance or an application for assistance that is received after the household has been off of the Program for any period following the end of a certification period.

“Initial month of application” means the first month for which the household is certified for participation in the Program for those who have not received food benefits in the State previously or following any break after the end of the certification period where the household was not certified for participation. If the household submits an application for recertification prior to the expiration of its certification period and is found eligible for the first month following the end of the certification period, that month shall not be an initial month. ~~Benefits for the initial month of application are prorated in accordance with Section 4.207.2.~~

“Indigent non-citizen” means a sponsored non-citizen who, after considering all income and contributions provided by the sponsor and other sources in conjunction with the non-citizen’s own income, is unable to obtain food and shelter amounting to one hundred thirty percent (130%) of the federal poverty level for the non-citizen’s household size. When a non-citizen is declared indigent, only the amount provided by the sponsor shall be deemed to the non-citizen. A declaration of indigence may last up to twelve (12) months, but may be renewed at the end of such a period, if necessary. The local office must notify the U.S Attorney General of each indigence determination, including the name of the sponsor and the sponsored non-citizen.

“Institution of higher education” means institutions that normally require a high school diploma or equivalency certificate for a student to enroll, such as colleges, universities, and vocational or technical schools.

“Intentional Program Violation (IPV)” means when an individual has intentionally made a false or misleading statement or misrepresented, concealed or withheld facts, or committed or intended to commit any act that constitutes a violation of the Food and Nutrition Act of 2008, the Food Assistance Program regulations, or any state statute relating to the use, presentation, transfer, acquisition, receipt or possession of Food Assistance benefits.

“Intentional” means a false representation of a material fact with knowledge of that falsity or omission of a material fact with knowledge of that omission.

~~“IPV”, see “Intentional Program Violation.”~~

“IPV hearing”, see “Administrative disqualification hearing.”

“IPV hearing waiver”, see “Waiver of administrative disqualification hearing.”

“Issuance month” means the calendar month for which a benefit allotment is issued.

“Lawful Permanent Resident” means a non-citizen legally admitted into the United States to reside on a permanent basis.

~~“LEAP”, see “Low income Energy Assistance Program.”~~

“Liquid resources” means assets such as cash on hand or assets that can be easily converted to cash such as money in checking or savings accounts, saving certificates, or stocks and bonds.

“Live-in attendants” means individuals who reside with a household to provide medical, housekeeping, child care, or other personal services.

“Local-level Dispute Resolution Conference”, see “Dispute Resolution Conference.”

~~“Local level hearing”, see “Dispute Resolution Conference”~~

“Local office” means the county department of social/human services that is responsible for administering the Food Assistance Program. In those counties that have more than one office that administers the Food Assistance Program, “local office” shall be inclusive of all local offices within the county that administer the Program.

“Low-Income HOME Energy Assistance Program (LEAP)” means the Colorado program designed to help low-income applicants pay a portion of their winter heating costs.

“Management Evaluation (ME) reviews” means state or federal reviews of each county’s administration of the Food Assistance Program to determine each county’s adherence to federal- and state-mandated requirements. Such reviews are mandated by the Food and Nutrition Service of the USDA.

~~“Major disaster” means a disaster or catastrophe as determined by the President of the United States pursuant to the Disaster Relief Act of 1974.~~

“Mandatory Work Registrant” means an individual age sixteen (16) to sixty (60) who has not met any Federal exemptions from SNAP work requirements and is therefore required to register for work or be registered by the State agency.

“Mass update” means a change in data or policy that affects the entire state-wide caseload or a portion of the caseload.

“Material information” means information to which a reasonable person would attach importance when determining a course of action.

~~“ME reviews”, see “Management Evaluation reviews.”~~

“Migrant farm worker” means a person who travels away from home on a regular basis to follow the flow of seasonal agricultural work.

“Minimum benefit” means the minimum amount of benefits issued to one- and two-person households that are eligible for assistance, but whose issuance calculates to less than the federally prescribed minimum allotment.

“Net income test” means the one hundred percent (100%) federal poverty level under which a household’s income must fall after all allowable deductions are considered in order to be considered eligible. This level is specific to the household size as defined by USDA, FNS.

~~“NOA”, see “Notice of Action.”~~

“Non-ABAWD County” means a county that is not requiring ABAWDs to meet the mandatory monthly ABAWD work requirement; although, the individual may be required to participate in non-ABAWD work program activities.

“Non-Employment First County” means a county in which there is no Employment First Program; although, work registrants must still sign an affidavit attesting that he/she will seek work opportunities through available resources.

“Non-liquid resources” means assets which cannot be easily converted into cash such as vehicles and real property.

“Non-financial criteria” means the set of rules governing elements not related to the gross and net income and resource standards.

“Notice of Action (NOA)” means the state-prescribed form sent to a household every time an action is taken to increase, decrease, suspend, deny, terminate, or otherwise affect a household’s benefits. This form describes the action taken upon a household’s case and the resulting effect.

“Notice of overpayment” means a notice sent to a household upon the establishment of a claim against the household for an overpayment of benefits.

“On-the-job training (OJT)” means training provided to an employee after he or she is hired. Such training is designed for individuals who do not have the necessary work experience required for the job.

“One Utility Allowance (OUA)” means a fixed deduction given to any household that is not eligible to receive the HCUA or BUA and incurs only one (1) non-heating or non-cooling utility expense, such as electricity, water, sewer, trash, or cooking fuel. The OUA is not allowed if the household’s only utility expense is a telephone.

“OUA”, ~~see “One Utility Allowance.”~~

“Over-issuance” means the amount of Food Assistance benefits issued to a household that exceeds the amount it was eligible to receive.

“Parolee” means a non-citizen allowed into the United States for urgent humanitarian reasons or when the non-citizen’s entry is determined to be for significant public benefit. Parole does not constitute a formal admission to the United States and confers temporary status only, requiring parolees to leave when the conditions supporting their parole cease to exist.

“Payment Error Rate (PER)” means the sum of the overpayment error rate and the underpayment error rate, which is the value of all over and underpaid allotments expressed as a percentage of all allotments issued to the cases reviewed, excluding those cases processed by SSA personnel or participating in certain demonstration projects designated by FNS.

“Period of ineligibility” means the period of time a person is ineligible to receive Food Assistance benefits as a result of a failure to cooperate with either a state or federal QA review.

“Periodic Report Form (PRF)” means the report that must be submitted by the household during the twelfth (12<sup>th</sup>) month of a twenty four (24) month certification period. The purpose of this form is to allow the household to report any changes that occurred during the first half of the twenty four (24) month certification period and for the local office to determine the household’s continued eligibility for the remaining twelve (12) months of the household’s certification period.

~~“Person with disabilities” means a person who meets any of the following criteria:~~

- ~~A. \_\_\_\_\_ Receives Supplemental Security Income benefits under Title XVI of the Social Security Act, or the Colorado Supplement, or Aid to the Needy Disabled Supplemental Security Income Colorado Supplement (AND-SSI-CS), or Aid to the Blind Supplemental Security Income Colorado Supplement (AB-SSI-CS); or disability or blindness payments under Title I, II, X, or XIX of the Social Security Act;~~
- ~~B. \_\_\_\_\_ Is a veteran with a service-connected disability rated or paid as a total disability under Title 38 of the United States Code or is a veteran receiving a pension for a non-service-connected disability;~~
- ~~C. \_\_\_\_\_ Is a veteran considered by the VA to be in need of regular aid and attendance or permanently housebound under Title 38 of the United States Code;~~
- ~~D. \_\_\_\_\_ Is a surviving spouse of a veteran and considered in need of aid and attendance or permanently housebound or a surviving child of a veteran and considered by the VA to be permanently incapable of self-support under Title 38 of the United States Code;~~
- ~~E. \_\_\_\_\_ Is a surviving spouse or child of a veteran and considered by the VA to be entitled to compensation for a service-connected death or pension benefits for a non-service-connected death under~~

~~Title 38 of the United States Code and has a disability considered permanent under Section 221(i) of the Social Security Act. "Entitled" in this definition refers to those veterans' surviving spouses and children who are receiving the compensation or benefits or have been approved for such benefits but are not receiving them;~~

- ~~F. Is a person who has a disability considered permanent under Section 221(i) of the Social Security Act (SSA) and receives a federal, state, or local public disability retirement pension;~~
- ~~G. Is a person who receives an annuity for disability from the Railroad Retirement Board who is considered disabled by the SSA or who qualifies for Medicare as determined by the Railroad Retirement Board;~~
- ~~H. Is a recipient of interim assistance benefits pending the receipt of Supplemental Security Income (SSI), disability-related medical assistance under Title XIX of the Social Security Act, or disability-based state assistance benefits provided that the eligibility to receive these benefits is based on disability or blindness criteria which are at least as stringent as those used under Title XVI of the Social Security Act.~~

"Post high school education" means colleges, universities, and post-high school level technical and vocational schools.

"Prospective budgeting" means the method of computing a household's monthly allotment by using current circumstances and reasonably anticipated income for the month in which the allotment will be issued.

"Prudent Person Principle (PPP)" means a worker's reasonable judgment when determining the proper course of action in a given situation in order to make an eligibility determination.

"Public Assistance (PA)" means any of the following programs authorized by the Social Security Act of 1935, as amended: Old Age Pension, TANF, including TANF for children of unemployed fathers, aid to the blind, aid to the permanently and totally disabled and aid to aged, blind or disabled.

~~Public assistance~~ PA households" means households that contain only persons who receive TANF or adult financial cash grants.

"QUALITY ASSURANCE (QA)" means ~~quality assurance and refers to~~ the division responsible for reviewing Food Assistance cases to determine if the proper eligibility determination was made and if the correct amount of benefits were issued to a household in a given month.

"QA active case" means cases where a household was certified prior to or during the sample month and issued Food Assistance benefits for the sample month.

"QA negative case" means cases where a household was denied certification to receive Food Assistance benefits in the sample month or which had its participation in the Program terminated during a certification period effective for the sample month.

"Qualified non-citizen" means an individual who meets the specific definition of "qualified alien" as defined by the Food and Nutrition Service, United States Department of Agriculture, which includes lawful permanent residents, asylees, refugees, parolees, individuals granted withholding of deportation or removal, conditional entrants, Cuban or Haitian entrants, battered aliens, and non-citizen victims of a severe form of trafficking. This term is not itself an immigration status, but rather includes a collection of immigration statuses. It is a term used solely for Federal public benefits purposes. Qualified non-citizens are not automatically eligible for assistance, but rather must meet all other eligibility requirements.

"Quality Control review" means a review of a statistically valid sample of active and negative cases to determine the extent to which households are receiving the Food Assistance allotments to which they are entitled, and to determine the extent to which decisions to deny, suspend, or terminate cases are correct.

~~Qwest~~ "QUEST card" means Colorado's specific version of the EBT card.

~~"Recertification/redetermination application", see "Application for Redetermination."~~

"Recoupment" means the withholding of a portion of a household's monthly allotment to pay back an over-issuance.

"Repayment agreement" means the form sent to a household upon the establishment of a claim that outlines the household's responsibility and options for repayment.

"Restoration" means a payment of benefits made to a household who was eligible to receive the amount in a past month but did not receive the payment.

"Roomer" means an individual to whom a household furnishes lodging, but not meals, for compensation.

~~"RRR", see "Application for Redetermination."~~

"Sanction" means a specified period of ineligibility imposed against an individual who failed to take a required action as part of his or her eligibility for either Food Assistance or Colorado Works.

~~"SAVE", see "Systematic Alien Verification for Entitlements."~~

"Self-employment" means a situation where some or all income is received from a self-operated business or enterprise in which the individual retains control over work or services offered and assumes the necessary business risks and expenses connected with the operation of the business.

"Shelter for battered women and children" means a public or private nonprofit residential facility that serves battered women and their children. If such a facility serves other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered women and children.

"Simplified Reporting" means the reporting status granted to households receiving either a six (6) or twenty-four (24) month certification period. Households considered simplified reporting households are not required to report any changes to household circumstances throughout the course of the certification period unless the change that occurred causes the household's combined gross income to rise above one hundred thirty percent (130%) of the federal poverty level for the applicable household size. Households receiving a twenty four (24) month certification period have the additional requirement of completing and submitting a periodic report form (PRF) (~~see "Periodic report form"~~) at the twelve (12) month point of the certification period on which all changes that have occurred since initial application must be reported.

"SNAP" means Supplemental Nutrition Assistance Program, which is referred to as the Food Assistance Program in Colorado.

"Sponsor" means a person who has executed an affidavit(s) of support or similar agreement on behalf of a non-citizen as a condition of the non-citizen's entry or admission to the US as a permanent resident.

"Sponsored non-citizen" means those non-citizens lawfully admitted for permanent residence into the United States who have been sponsored by an individual for entry into the country.

~~"Supplemental Security Income (SSI)" means monthly cash payments made under the authority of: (1) Title XVI of the Social Security Act, as amended, to the aged, blind and disabled; (2) section 1616(a) of the Social Security Act; or (3) section 212(a) of Pub. L. 93-66.~~

"Standard Eligibility" means the set of rules applicable to households that do not fall under "Expanded categorical eligibility" or "Basic categorical eligibility." Households considered under standard eligibility rules are subject to resource limits as a condition of eligibility.

"State Department" means the Colorado Department of Human Services.

“State office or Division” means the agency of the state government that has the responsibility for the oversight and monitoring of each county department’s administration of the Food Assistance Program.

“State-level fair hearing” means a review requested by an applicant or recipient which is held before an Administrative Law Judge (ALJ) to establish whether an action or eligibility determination taken was correct.

“Striker” means an individual who is involved in a strike or other concerted stoppage of work by employees, including a stoppage by reason of the expiration of a collective bargaining agreement and any concerted slowdown or other concerted interruption of operations by employees.

“Supplement” means a payment of additional allowable benefits made for the current issuance month.

“SUPPLEMENTAL SECURITY INCOME (SSI)” MEANS MONTHLY CASH PAYMENTS MADE UNDER THE AUTHORITY OF: (1) TITLE XVI OF THE SOCIAL SECURITY ACT, AS AMENDED, TO THE AGED, BLIND AND DISABLED; (2) SECTION 1616(A) OF THE SOCIAL SECURITY ACT; OR (3) SECTION 212(A) OF PUB. L. 93-66.

“Systematic Alien Verification for Entitlements (SAVE)” means the system allowing for the validation of immigration statuses of non-citizen applicants and participants through access to centralized U.S. Citizenship and Immigration Service (USCIS) data.

“Telephone allowance” means a fixed deduction given to any household not incurring utility expenses other than the expense for a telephone.

“TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) OR COLORADO WORKS (CW)” means ~~Temporary Assistance for Needy Families~~ THE CASH ASSISTANCE PROGRAM ALSO KNOWN AS TITLE IV-A OF THE SOCIAL SECURITY ACT.

“Temporary emergency” means an emergency caused by any natural or human-caused disaster, other than a major disaster declared by the President of the United States under the Disaster Relief Act of 1974, which is determined by FNS to have disrupted commercial channels of food distribution.

“Thrifty Food Plan” means the diet required to feed a family of four (4) persons consisting of a man and a woman twenty (20) through fifty (50) years of age, a child six (6) through eight (8) years of age, and a child nine (9) through eleven (11) years of age, determined in accordance with the U.S. Department of Agriculture. The cost of such a diet shall be the basis for uniform allotments for all households regardless of their actual composition.

“Trafficking” means attempting to buy, sell, steal, or otherwise affect an exchange of Food Assistance benefits issued and accessed via Electronic Benefit Transfer (EBT) cards, card numbers and Personal Identification Numbers (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. ~~Additionally, any bona fide recipient of Food Assistance or his or her authorized representative who knowingly transfers Food Assistance benefits to another who does not, or does not intend to use said Food Assistance for the benefit of the Food Assistance household for whom the Food Assistance benefits were intended, has committed trafficking.~~ TRAFFICKING ALSO INCLUDES (1) THE EXCHANGE OF FOOD ASSISTANCE BENEFITS FOR FIREARMS, AMMUNITION, EXPLOSIVES, OR CONTROLLED SUBSTANCES, (2) THE RESALE OF A PRODUCT PURCHASED WITH FOOD ASSISTANCE BENEFITS IN EXCHANGE FOR CASH OR CONSIDERATION OTHER THAN ELIGIBLE FOOD, AND (3) THE PURCHASE OF A PRODUCT 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.

“Under-issuance” means the difference between the allotment the household was eligible to receive and the allotment the household actually received, which was lower than what the household was eligible to receive.

~~“UIB” means Unemployment Insurance Benefits.~~

“VALID APPLICATION” MEANS A STATE-PRESCRIBED FORM COMPLETED WITH NAME, ADDRESS, AND SIGNATURE.

“VENDOR PAYMENTS” MEANS MONEY PAYMENTS THAT ARE NOT PAYABLE DIRECTLY TO A HOUSEHOLD, BUT ARE PAID TO A THIRD PARTY FOR A HOUSEHOLD EXPENSE.

“Verification” means confirmation of a household’s statements through written, ~~o~~VERBal, or electronic means

“Verified upon receipt (VUR)” means information that is provided directly from the primary source and which is not questionable. ~~Information considered verified upon receipt shall be acted upon for both simplified reporting households and non-simplified reporting households.~~

~~“Voluntary quit” means when a person voluntarily quits or reduces his or her work hours to less than thirty (30) per week or who are now earning less than the equivalent of thirty (30) hours per week paid at the federal minimum wage.~~

“Voluntary Work Registrant” means an individual who chooses to participate in the program and is not mandated to participate by the State or Federal regulations.

“Waiver of Administrative Disqualification Hearing” means a waiver sent to individuals suspected of intentional Program violation which presents the individual with the option of waiving his or her right to an administrative hearing, essentially accepting the appropriate disqualification without necessarily admitting the violation.

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**4.200** APPLICATIONS AND RECERTIFICATIONS  
THIS SECTION SPECIFICALLY DISCUSSES PROCESSING OF INITIAL APPLICATIONS AND APPLICATIONS FOR RECERTIFICATION.

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**4.201** APPLICATION PROCESSING

- A. County offices shall not apply additional conditions or processing requirements that are beyond those prescribed by State Food Assistance rules. The application process includes the filing and completion of an application form, being interviewed, and verifying certain information. Signs shall be posted in certification offices that explain the application processing standards and the right to file an application on the day of initial contact. Similar information about same-day filing shall be included in outreach materials and on the application form.
- B. The local office shall act promptly on all applications and provide Food Assistance benefits retroactive to the month of application to those households that have completed the application process and have been determined to be eligible.
- C. Applications will be screened as they are filed, or as individuals come in to apply, to determine eligibility for expedited service or for normal processing. Applicants entitled to expedited service shall be informed immediately and given a same-day interview, whenever possible. Those eligible for expedited processing shall be served in accordance with Sections 4.205.1 and 4.205.11 while those eligible for normal processing shall be served in accordance with Section 4.205.2. Local offices shall not conduct any pre-eligibility screening process prior to securing the date of application.
- D. The household may voluntarily withdraw its application at any time prior to a determination of eligibility. ~~After any determination of eligibility has been made, either through the use of the automated system or outside of the automated system, the local office cannot choose to withdraw the application.~~ Once a determination of eligibility is made, the household may voluntarily terminate its participation. Any reason given by the household for withdrawal or termination shall be documented in the case file. A Notice of Action

form, indicating voluntary withdrawal of application or voluntary termination of eligibility PARTICIPATION, shall be sent to the household within ten (10) calendar days of the decision, to confirm the action taken. The household shall be advised of its right to reapply at any time subsequent to a withdrawal.

E. No household shall have its Food Assistance benefits denied solely on the basis of its application to participate in another program being denied or its benefits under another program being terminated, without a separate determination by the local office that a household failed to satisfy a Food Assistance Program eligibility requirement.

~~F. The State has entered into an agreement with the Social Security Administration (SSA) whereby each SSA office will complete and forward Food Assistance applications from households comprised of only persons who receive Supplemental Security Income (SSI) or persons applying for SSI provided the household is not participating in the Food Assistance Program and has no applications pending. After interviewing the household and obtaining available verification, the SSA office will forward the application to the appropriate local office for eligibility determination. Residents of public institutions who apply for SSI prior to their release from an institution under the Social Security Administration prerelease program for the institutionalized shall be permitted to apply for Food Assistance at the same time they apply for SSI. See Sections 4.202.3 through 4.202.31 for the provisions regarding the SSA accepting applications and forwarding them to the county department.~~

~~The agreement also provides that counties may outstation eligibility worker(s) at district SSA offices, in accordance with Section 4.202.33. In the event a county desires to outstation an eligibility worker(s) in the local SSA office to process Food Assistance applications, it would be necessary for the county to request the State to negotiate an appropriate revision of the agreement.~~

~~F. G.~~ Households denied Food Assistance that have an SSI application pending shall be informed on the notice of denial of the possibility of categorical eligibility if they become SSI recipients. Residents of public institutions who apply jointly for SSI and Food Assistance benefits prior to their release from the institution shall not be eligible for Food Assistance until the individual has been released from the public institution.

G. H. Local offices shall record in the automated system racial and ethnic data provided by an applicant household. The purpose of obtaining this information is not to affect the eligibility or the level of benefits, but rather to ensure that Program benefits are distributed without regard to race, color, or national origin. In those instances when the information is not provided voluntarily by the household on the application form, the local office shall use alternative means of collecting the ethnic and racial data on households, such as by observation during the interview. Under no circumstance should an eligibility worker challenge or change a self-declaration made by a household member.

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#### 4.202 FILING AN APPLICATION

A. Regardless of what type of application system is used, the local office must provide a means for applicants to immediately begin the application process. The household shall be advised it may file an incomplete application form as long as the form contains a legible name, address, and is signed by a responsible household member or the household's authorized representative. SIGNATURES INCLUDE HANDWRITTEN SIGNATURES, ELECTRONIC SIGNATURE TECHNIQUES, RECORDED TELEPHONIC SIGNATURES, OR DOCUMENTED GESTURED SIGNATURES. A VALID HANDWRITTEN SIGNATURE INCLUDES A DESIGNATION OF AN X. Local offices shall accept applications for Food Assistance during normal business hours and shall not be RESTRICTED restrictive to a certain day or time of day. The household shall be advised that it need not be interviewed before filing an application. The county department shall inform applicants that receiving Food Assistance will have no bearing on any other program's time limits that may apply to the household.

B. Persons who request information for Food Assistance must be advised of expedited service provisions and encouraged to submit an application so that eligibility processing can begin. County local offices shall encourage the filing of an application form on the same day the household or its representative contacts the local office in person or by telephone and expresses interest in obtaining Food Assistance, or indicates the household is without food or the means to obtain food.



C. Local offices shall make application forms readily accessible to applicant households, as well as to groups and organizations, and shall also provide an application form to anyone who requests the form. If a household contacting the local office by telephone does not wish to come to the appropriate office to file the application that same day and instead prefers receiving an application through the mail, the local office shall mail an application form to the household on the same day the telephone request is received. An application shall also be mailed on the same day a written request for Food Assistance is received.

Application forms shall be made available in Spanish, or other appropriate languages for use in those counties where it has been determined in conjunction with the State local office that there are a significant number of households without an adult member fluent in English.

D. The STATE OR local office shall annotate the application form by recording the date the form was received and processing time begins. ALL VALID APPLICATIONS Applications signed through the use of electronic signature technique or applications containing a handwritten signature, which are PAPER, transmitted by fax or other electronic transmissions, are acceptable as a valid application when received by the local office. When an application is submitted through such means outside of business hours, the application filing date shall be recorded as the next business day.

E. Households must file Food Assistance applications by submitting the forms in person, through an authorized representative, by fax or other electronic transmission, by mail or by completing an online electronic application. The local office must provide households that complete an on-line electronic application in person at the local office the opportunity to review the information that has been recorded electronically and must provide the household with a copy of the information for its records. Local offices shall advise applicants if a fax machine or other electronic transmission is available for the submission of an application. THE LOCAL OFFICE MUST INFORM THE APPLICANT THAT THEY HAVE THE OPPORTUNITY TO OBTAIN A COPY OF THEIR APPLICATION AND PROVIDE THE HOUSEHOLD WITH A COPY OF THEIR COMPLETED APPLICATION UPON THE REQUEST OF THE CLIENT. A COPY OF A COMPLETED APPLICATION CAN BE A COPY OF THE INFORMATION PROVIDED BY THE CLIENT THAT WAS USED OR WILL BE USED TO DETERMINE A HOUSEHOLD'S ELIGIBILITY AND BENEFIT ALLOTMENT. AT THE OPTION OF THE HOUSEHOLD, THIS MAY BE PROVIDED IN AN ELECTRONIC FORMAT.

F. Applications are valid for a period of sixty (60) calendar days. Households reapplying for benefits following a determination of ineligibility more than sixty (60) calendar days from the date of the original application date must submit a new application.

G. When households contact the wrong certification office within a county either in person or by telephone, the certification office shall give the household the address and telephone number of the appropriate office. The certification office shall also offer to forward the household's application to the appropriate office that same day. If the household has mailed its application to the wrong office within a county, the receiving office shall mail the application to the appropriate office on the same day or forward it the next day by any means that ensures the application will arrive at the appropriate office the same day it is forwarded. An application shall be considered filed and processing standards shall begin the day it is received by any local office in the correct county. A county that receives an application that belongs to another county may secure the application date, process the application to completion, issue the household an EBT card, and then transfer the case to the correct county once the final eligibility decision is made.

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#### **4.202.2 Application Filing by Ineligible Individuals**

The ineligibility of certain individuals for Program benefits will not prohibit the remaining household members from applying for and receiving Food Assistance. Ineligible individuals living in an applicant household shall not be considered eligible household members for Food Assistance purposes; however the ineligible individual's income and resources are considered in the household's eligibility determination and benefit allotment.

When the eligible members of a household are all unemancipated minors and the only adult is an ineligible individual, the ineligible individual may make application on behalf of the eligible minors without being considered as having applied for him/herself. However, if there is any other eligible adult of an unemancipated minor in the household, even though they would not normally be considered the household head, that eligible person should make application as the head of household.

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#### 4.202.3 SSI Households Submitting Food Assistance Applications to the SSA

- A. Whenever a member of a household consisting only of SSI applicants or recipients transacts business at an SSA office, the member has a right to make a household application for Food Assistance at the SSA office or the local office. The SSA office is not required to accept applications for SSI applicants or recipients who are not members in a household consisting entirely of SSI recipients unless a county has outstationed a worker at the SSA office. The SSA office will refer non-SSI households to the correct local office. An applicant or recipient of SSI shall be informed at the SSA office of the availability of benefits under the Food Assistance Program and the availability of the Food Assistance application at the SSA office. The SSA office shall also complete joint SSI and Food Assistance applications for residents of public institutions who apply for SSI prior to their release from the institutions. The applicants shall be permitted to apply for Food Assistance at the same time that they apply for SSI.
- B. The SSA office will accept and complete Food Assistance applications from SSI households and forward them, within one working day after receipt of a signed application, to the appropriate county local office. The SSA will use the Food Assistance application. The application will be transmitted to the local office with documentation of verification obtained. When an SSA office sends a Food Assistance application and supporting documentation to an incorrect local office, the application and documentation shall be sent to the correct office within one working day.
- C. The SSA office is required to prescreen all Food Assistance applications for entitlement to expedited service and shall mark "expedited processing" on the first page of all applications of households that appear to be entitled to such processing. The SSA will inform households which appear to meet the criteria for expedited service that benefits may be issued a few days sooner if the household applies directly at the local office. The household may take the application from the SSA office to local office for screening, and interviewING, and processing of the application. Each local office shall furnish the SSA office(s) serving its geographical area with a street map and/or map defining its boundaries together with the addresses of the certification offices in the project area.
- D. The local office shall prescreen all applications received from the SSA office for entitlement to expedited service on the day the application is received at the correct local office. All households entitled to expedited service shall be certified in accordance with Sections 4.205.1 and 4.205.11, except that the expedited processing time standard shall begin on the date the application is received at a local office in the correct county. To prevent duplication, the local office shall develop and implement a method to determine if members of SSI households whose applications are forwarded by the SSA office are currently participating in the Food Assistance Program.
- E. The SSA office shall refer non-SSI households and those in which not all members have applied for or received SSI to the correct local office. The local offices shall process those applications in accordance with the normal and expedited application processing standards and procedures. Applications from such households shall be considered as filed on the date the signed application is taken at a local office in the correct county.

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#### 4.202.31 SSI Telephone Applications and Recertifications Completed by the SSA

- A. If an SSA office takes an SSI application or redetermination on the telephone from a member of a pure SSI household, a Food Assistance application shall also be completed during the telephone interview. ~~In these cases, the Food Assistance application AND shall be mailed by the SSA office to the applicant for signature for return to the SSA office or to the local office. The SSA office shall then forward any Food Assistance applications it receives to the local office. The local office shall not require the household to be interviewed again. The local office may contact the household further to obtain additional information for the eligibility determination in accordance with Section 4.204, E.~~
- B. The SSA office shall mail information of the client's right to file a Food Assistance application at the SSA office if they are members of a pure SSI household, or at their local office, and their right to an ~~out-of-office Food Assistance~~ interview to be performed by the county department ~~if the household has a hardship condition as outlined in Section 4.204.1, "Waiver of Office Interview."~~
- C. For households consisting entirely of applicants for, or recipients of, SSI who apply for Food Assistance certification at an SSA office, the application shall be considered filed for normal processing purposes when the application is received by the SSA.

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**4.202.32 SSI and Food Assistance Joint Processing**

- A. In those instances where the application has been completed at the SSA office, the local office shall ensure that information required by Section 4.502 is verified prior to certification for households initially applying, and households entitled to expedited certification services shall be processed in accordance with Sections 4.205.1 and 4.205.11. In those cases where the SSI household submits its Food Assistance application to the local office rather than through the SSA office, all verification, including that pertaining to SSA program benefits, shall be provided by the household, by SDX or BENDEX, or obtained by the local office rather than being provided by the SSA.

For those cases in which SSI and Food Assistance are being processed simultaneously, the local office shall question the household and/or use SDX listings to obtain information on SSI determinations. If the information cannot be obtained through SDX listings and/or questioning the households, a written inquiry may be made to the SSA office to obtain information of the status of SSI determinations. Within ten (10) calendar days of learning of the determination of the SSI application, the local office shall take action in accordance with Section 4.604.

- B. The expedited processing time standard for applicants who filed prior to the release from a public institution will begin on the date that the individual is released from the public institution. The SSA shall notify the local office of the date of release of the applicant from the institution. Benefits shall be restored back to the date of an applicant's release from a public institution if, while in the institution, the applicant jointly applied for SSI and Food Assistance, but the local office was not notified on a timely basis of the applicant's release.
- C. ~~The SSA office shall refer non-SSI households and those in which not all members have applied for or received SSI to the correct local office. The local office shall process those applications in accordance with the normal and expedited application processing procedures. Applications from such households shall be considered as filed on the date the signed application is taken at a local office in the correct county.~~

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**4.203 HEAD OF HOUSEHOLD AND AUTHORIZED REPRESENTATIVES**

Application for participation shall be made in the name of the household, by the head of the household, the spouse, another household member, or an authorized representative. ~~Households wishing to participate in the Program must make this desire known through the application process and provide the certification office with enough information regarding household income and other eligibility factors to enable the certification worker to make a determination of eligibility. Refusal by the household to cooperate in providing the specifically stated information necessary for an eligibility determination, or withdrawal of application, is grounds for denial of the application. See Section 4.604, H.~~

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**4.203.1** Designating a Head of Household

- A. The local office shall allow a household TO SELECT AN ADULT PARENT OF CHILDREN (OF ANY AGE) LIVING IN THE HOUSEHOLD, OR AN ADULT WHO HAS PARENTAL CONTROL OVER CHILDREN (UNDER 18 YEARS OF AGE) LIVING IN THE HOUSEHOLD, AS THE HEAD OF HOUSEHOLD PROVIDED THAT ~~with adult parents and children, regardless of age or an adult with parental control over the children (less than eighteen years of age), to select an adult parent of children as its head when~~ all adult members making application agree to the selection. The household may make this designation each time the household is certified for participation, but may not change the designation during a certification period unless there is a change in the composition of the household.
  
- B. ~~Once an eligible household (household with an adult parent of children) selects its head, no further head of household designation may be imposed by the local office.~~ THE LOCAL OFFICE SHALL NOT USE THE HEAD OF HOUSEHOLD DESIGNATION TO IMPOSE SPECIAL REQUIREMENTS ON THE HOUSEHOLD, SUCH AS REQUIRE THAT THE HEAD OF HOUSEHOLD, RATHER THAN ANOTHER RESPONSIBLE MEMBER OF THE HOUSEHOLD, APPEAR AT THE LOCAL OFFICE TO MAKE APPLICATION FOR BENEFITS. If the household is not able to select its head of household, or an eligible household does not choose to select its head of household, the local office may make a reasonable determination of the head of household with an understanding that the head of household is usually the household member who has the most knowledge of the household's financial circumstances. Such individual must be a household member, except that, if the only adult in the Food Assistance household is a non-household member, such individual may make application on behalf of the household of minors as the authorized representative.

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**4.203.2** Designating Authorized Representatives

- A. The head of the household, spouse or any other responsible household member may designate in writing someone to act on behalf of the household to make an application, obtain an EBT card, and/or use the EBT card to purchase food for the household. In instances where a household is in need of an authorized representative but is unable to obtain one, the local office will assist such a household in finding an authorized representative. The certification office will assure that authorized representatives are properly designated; that is, the name of the authorized representative and the justification for appointing a person outside the household shall be maintained as part of the household's permanent case record.

1. Making an Application

~~When the head of the household or spouse cannot make an application for participation, another responsible household member may apply. An adult non-household member may act as the authorized representative. When designated in writing by the head of the household, spouse, or other responsible household member,~~ The authorized representative must be a person who is sufficiently aware of relevant household circumstances. Whenever possible, the head of the household or spouse should prepare or review the application even though another household member or an authorized representative is the person interviewed.

The local office shall inform the household that the household will be held liable for any over-issuance which results from erroneous information given by the authorized representative, ~~except in the cases where the erroneous information is provided by an authorized representative of a drug and alcohol treatment center or group living facility. If a household member is found guilty of intentional program violation/fraud because of erroneous information given by an authorized representative, only the authorized representative will be held liable and not the household. Drug and alcohol treatment centers and group living facilities shall be responsible for any misrepresentation of~~

~~intentional program violation/fraud which they knowingly commit in the certification of their residents.~~

2. Obtaining an EBT Card

An authorized representative may be designated to obtain an EBT card for the household at the time the household applies for participation. The authorized representative responsible for obtaining an EBT card may be the same individual designated to make application for the household or may be another individual. Even if a household member is able to make an application and obtain an EBT card, the household should be encouraged to name an authorized representative responsible for obtaining an EBT Card in case of illness or other circumstances which might result in an inability to obtain Food Assistance benefits.

3. Using an EBT Card

The authorized representative may use the household's EBT card to purchase food for the household's consumption provided the authorized representative is acting with the full knowledge and consent of the household.

4. Restrictions

An authorized representative may act on behalf of more than one household and limits shall not be placed on the number of households an authorized representative may represent, but such an arrangement should be approved only if there is a bona fide need. In determining such need, consideration shall be given to the proximity of the households to one another, the distance to the certification or issuance office, the availability of transportation, and the health of the household members involved.

In the event employers, such as those that employ migrants, are designated as authorized representatives or that a single authorized representative has access to multiple EBT cards, the certification office should make certain that:

- a. The household has freely requested the assistance of the authorized representative;
- b. The household's circumstances are correctly stated and the household is receiving the correct amount of benefits; and,
- c. The authorized representative is properly using the EBT card.

B. In the event the only adult living with a household is classified as a non-household member, that individual may be the authorized representative for the minor household members.

~~C. Residents of drug or alcohol treatment centers shall participate in the Program through use of an authorized representative who shall be an employee of, and designated by, the private nonprofit organization. Drug or alcohol treatment centers shall receive and spend the Food Assistance benefits for food prepared by and served to the residents of the center who are participating in the Food Assistance Program.~~

~~D. Residents of group living arrangements shall participate through an authorized representative employed and designated by the group living arrangement unless the group living arrangement determines the resident is capable of acting on his/her own behalf. The head of a group living arrangement which acts as the authorized representative for the residents may either receive and spend the residents' benefits for food that will be prepared by and served to each eligible resident or allow each resident to spend all or any portion of the benefits on his or her own behalf.~~

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## 4.204 Interviews

### A. Interview Requirements

All applicant households shall undergo a face-to-face or phone interview with a qualified eligibility worker prior to initial certification and at least once every twelve (12) months. A household certified for twenty-four (24) months is not required to complete an interview at the 12 month interim. The applicant may ~~bring~~ INCLUDE any person(s) he or she chooses ~~to~~ FOR the interview. The individual interviewed may be the head of the household, spouse, or any other responsible member of the household, or an authorized representative. A face-to-face interview may be conducted at the county local office or a mutually acceptable location, including the household's residence UPON HOUSEHOLD REQUEST. If the interview is to be conducted at the residence, it must be scheduled in advance. The interview shall be conducted as an official and confidential discussion of household circumstances. The applicant's right to privacy shall be protected during the interview. Facilities shall be adequate to preserve the privacy and confidentiality of the interview.

The eligibility worker shall not simply review the information entered on the application, but shall explore and resolve with the household unclear and incomplete information. Households shall be advised of their rights and responsibilities during the interview, including the appropriate application processing standard and the household's responsibility to report changes. The interviewer must advise households which are applying for other public assistance programs that any time limits and other requirements for the receipt of other public assistance do not apply to the receipt of Food Assistance. Households may still qualify for Food Assistance if they have reached a time limit, begun working, or lost benefits from another program for another reason.

Upon determination that a person should be referred to an Employment First Unit, the county department shall explain to the applicant the pertinent work requirements, the rights and responsibilities of work registered household members, and the consequences of failure to comply. The local office shall provide a written statement of these requirements to each work registrant in the household and to each previously exempt or new household member when that person becomes subject to the work registration and at recertification.

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#### 4.204.1 Waiver of Office Interview

- A. ~~\_\_\_\_\_ The household shall be notified that the face-to-face interview will be waived in favor of a telephone interview or home visit on a case-by-case basis because of a household hardship, as listed below in D, which may prevent the applicant from coming to the office.~~

~~The local office shall conduct a telephone interview or a home visit in cases in which the office interview is waived. Home visits shall be scheduled in advance with the household. Waiver of the office interview does not exempt the household from the verification requirements, although special procedures may be used, and shall not affect the household's certification period. The local office shall document in the case record the reason that a requested waiver was granted or denied.~~

- B. ~~\_\_\_\_\_ The office interview shall be waived if requested by any household which is unable to appoint an authorized representative and which has no household members able to come to the local office because they are sixty (60) years of age or older, or have a mental or physical disability, or are residents of a shelter for battered women and children.~~

- C. ~~\_\_\_\_\_ The local office shall waive the office interview on a case-by-case basis for a household whenever desirable, including households that are unable to appoint an authorized representative and those households that do not contain A member capable of coming to the local office because of hardships. The local office shall document in the case file the reason that a requested waiver was granted or denied.~~

- D. ~~\_\_\_\_\_ Hardship conditions include, but are not limited to:~~

1. ~~Illness or the need to care for someone;~~
2. ~~Work schedule;~~
3. ~~Loss of pay or fear of loss of job;~~
4. ~~The household members are sixty (60) years of age or older;~~
5. ~~The household member is mentally or physically disabled;~~
6. ~~The household has an adult who has earned income;~~
7. ~~The household has an adult in school or training;~~
8. ~~The household resides in a rural area;~~
9. ~~Prolonged severe weather;~~
10. ~~Transportation difficulties, including if the household does not own a vehicle or does not have transportation available;~~
11. ~~Family violence or harassment or stalking;~~
12. ~~Work hours or employment training hours; and,~~
13. ~~Any other challenge which precludes an in-office interview~~

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#### 4.205 Application Processing Standards

All newly certified households, except those that are given expedited service, shall be given an opportunity to participate no later than thirty (30) calendar days following the date the application was filed. Households entitled to expedited service shall have benefits available no later than the seventh calendar day following the date of application. For application processing purposes, day “one” (1) is the first calendar day after the application is received by a local office in the correct county.

If the local office does not determine a household’s eligibility and provide an opportunity to participate within thirty (30) calendar days following the date the application was filed, the office shall determine whether the delay was caused by failure to act on the part of the household or on the part of the local office as outlined in Sections 4.205.3 through 4.205.4.

~~For more information about authorizing and accessing benefits, refer to 4.207, “Authorizing Benefits.”~~

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#### 4.205.1 Processing Standards for Expedited Service

- A. The following households are entitled to expedited service:
1. Migrant or seasonal farm worker households whose liquid resources do not exceed one hundred dollars (\$100) and who are destitute of income as defined in Section 4.406.
  2. Households whose liquid resources do not exceed one hundred dollars (\$100) and who reasonably expect to have less than one hundred fifty dollars (\$150) of gross monthly income in the calendar month of application.
  3. Eligible households whose combined monthly gross income and liquid resources are less than the household’s anticipated monthly rent/mortgage and utilities. The appropriate

utility standard, as defined in Section 4.407.31, shall be utilized when determining a household's utility costs.

B. Households eligible for expedited service shall be able to access EBT benefits no later than the seventh (7<sup>th</sup>) calendar day following the date of application.

1. If a household is entitled to expedited service the local office shall conduct the interview, unless the household cannot be reached, and complete the application process within seven (7) calendar days.
2. Households entitled to expedited service shall complete an interview prior to any determination of eligibility. If a household fails to complete the required interview within seven (7) calendar days following the date the application for assistance was filed, the household is no longer entitled to expedited benefits by the seventh (7<sup>th</sup>) day following the date of application.
3. ~~In instances in which the household is entitled to expedited service and to a waiver of the office interview and a proxy cannot be secured to complete the application process, the county department shall make all reasonable efforts to send a staff member or volunteer to the household's residence to complete the application within the six (6) calendar day period.~~

C. Households that apply for initial benefits after the fifteenth (15<sup>th</sup>) of the month under the expedited service procedures, which have completed the application and provided all verification within the expedited timeframe and have been determined eligible to receive benefits for the initial month and the subsequent month, shall receive the application month's prorated allotment and the next full month's allotment at the same time.

Households applying for initial benefits after the fifteenth (15<sup>th</sup>) of the month for which verification has been postponed shall have the second month's benefits and the prorated allotment available on the seventh (7<sup>th</sup>) calendar day. The household must provide all postponed verification before the third month's benefits can be issued.

D. Households not initially screened as requiring expedited service, but subsequently determined to be entitled to such service, shall be entitled to the expedited processing timeframes from the date such a determination was made.

~~E. In those instances where the application was completed at an SSA office, the expedited processing time standards shall begin on the date the local office received the Food Assistance application or the date that an individual was released from an institution if that household applied for SSI and Food Assistance prior to the release from an institution.~~

E. F. If Program benefits are reduced, suspended, or cancelled in accordance with Section 4.904.4, households eligible for expedited service shall receive expedited service in accordance with the following procedures:

1. Those households that receive expedited service in the month(s) in which reductions are in effect and are determined to be eligible shall be issued allotments that are reduced in accordance with the reduction in effect. These reduced allotments shall be made available to the households within the timeframes specified in this section.
2. Those households that receive expedited service in month(s) in which suspensions are in effect and are determined to be eligible shall have benefits issued to them within the timeframes specified in this section. However, if the suspension is still in effect at the time issuance is to be made, the issuance shall be postponed until the suspension is ended.
3. Households eligible to receive expedited processing and who apply for Program benefits during months in which cancellations are in effect shall receive expedited service. However, the deadline for completing the processing of such cases shall be five (5)



calendar days or the end of the month of application, whichever date is later. All other rules pertaining to expedited service contained in this section shall be applicable to these cases.

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4.205.11 Special Provisions for Expedite Service

- A. Households requesting, but not entitled to, expedited service shall have their applications processed according to normal processing standards ~~as outlined in Section 4.205.2.~~
- B. The local office shall use the following procedures for expediting service:
1. Prior to certification, the identity of the applicant shall be verified ~~through a collateral contact, electronic information provided by the Colorado Department of Revenue, Division of Motor Vehicles (DMV) or by readily available documentary evidence.~~  
~~Refer to Section 4.505.1 for acceptable sources of identification verification.~~
  2. Prior to certification of expedited benefits, all reasonable efforts shall be made to verify residency, income, or lack thereof, and other factors OF ELIGIBILITY ~~required in Section 4.502 "through collateral contacts or readily available documentary evidence.~~ However, verification shall be postponed if it cannot be obtained in sufficient time to meet the expedited processing standards. If verification ~~required in Section 4.502 or verification of questionable information~~ is postponed, the household shall be certified for expedited benefits, if determined eligible, for the month of application or, for those households applying after the fifteenth (15<sup>th</sup>) of the month, the month of application and the subsequent month.
    - a. Except for migrant households applying after the fifteenth (15<sup>th</sup>) of a month, when a household is certified for expedited benefits for an initial month of application and the subsequent month and verification is postponed, a request for verification form shall be annotated to indicate what verification is required in order for further benefits to be issued.
    - b. When households that apply for benefits on or before the fifteenth (15<sup>th</sup>) of the month provide the required postponed verification, the local office shall issue the second month's benefits within five working days from receipt of the verification or the first of the second month, whichever is later.

Households that apply after the fifteenth (15<sup>th</sup>) of the month and provide the postponed verification shall be issued the third month's benefits within five working days from receipt of verification, or the first of the third month, whichever is later.

Except for migrant households needing out-of-state verification, when the postponed verification is not completed within thirty (30) calendar days from the date of application, the local office shall terminate the household's participation on the thirtieth (30<sup>th</sup>) calendar day without providing a notice of adverse action.
    - c. Migrants shall be entitled to a postponement of out-of-state verification only once each season. If a migrant household requesting expedited service has already received this exception during the current season, the local office shall grant a postponement of out-of-state verification only for the initial month's issuance and not for the second (2<sup>nd</sup>) month's issuance. Migrant households eligible for expedited service and applying after the fifteenth (15<sup>th</sup>) of a month which are assigned certification periods of longer than one month shall be issued a request for verification notifying them that they shall provide postponed verification from

sources within the state before a second month's benefits are issued and shall provide all verification from out-of-state sources before being issued benefits for the third month. The notice shall also advise the household that if verification results in changes in the household's eligibility or level of benefits, such changes shall be acted on without providing an advance notice of adverse action.

- C. There is no limit to the number of times a household can be certified under expedited procedures, as long as prior to each expedited certification, the household either completes the verification requirements that were postponed at the last expedited certification or the household was certified under normal processing standards since the last expedited certification.

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#### 4.205.2 Normal Processing Standards

- A. The county local office shall process applications as expeditiously as possible and provide eligible households a written notification of their eligibility. The applicant household must receive a Notice of Action form, which will indicate the household's period of eligibility and Food Assistance allotment. Eligible households shall be provided an opportunity to obtain benefits as soon as possible, but no later than thirty (30) calendar days following the date the application was filed. Except for applications filed at an SSA office, an application shall be considered filed the day a local office in the correct county receives a signed VALID application containing the applicant's name, address, and signature. ~~The application filing date for applications submitted at an SSA office is outlined in Section 4.202.31, C; the expedited processing time frames for such applications shall begin the day a local office in the correct county receives the application (see Section 4.202.3, D). Residents of institutions who apply prior to the release from the institution shall have the application date based on the date of release from the institution.~~

Households found to be ineligible shall be sent a Notice of Action form denying the household as soon as possible, but no later than thirty (30) calendar days following the date the application was filed. Applicant households that refuse to cooperate in completing the application process shall be denied at the time of refusal. For a determination of refusal to be made, the household must BE ABLE TO COOPERATE, BUT CLEARLY refuse to take actions that are required to complete the application process.

- B. In cases where verification is incomplete, the local office shall provide the household with a statement of required verification on the state-prescribed notice form and offer to assist the household in obtaining the required verification. The office shall allow the household ten (10) calendar days to provide the missing verifications, unless the household missed the first appointment. If the household misses the first appointment and the interview cannot otherwise be rescheduled until after the twentieth (20<sup>th</sup>) day but before the thirtieth (30<sup>th</sup>) day following the date the application was filed, the household must appear for the interview, bring verification, and register members for work by the thirtieth (30<sup>th</sup>) day. A household can be found ineligible or eligible for the month of application and for the following month based on one (1) application, if sufficient information for such determination is available. The state-prescribed notice form shall reflect specific months of eligibility and ineligibility.

- C. Applications are valid for a period of sixty (60) calendar days. Households reapplying for benefits following a determination of ineligibility more than sixty (60) calendar days from the date of the original application must submit a new application.

- ~~D. In those instances where the application was completed at an SSA office, the local office shall make an eligibility determination and issue Food Assistance benefits to eligible SSI households within thirty (30) calendar days following the date the application was received by the SSA. Applications shall be considered filed for normal processing purposes when the signed application is received by SSA.~~

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#### 4.205.4 Delays in Processing Beyond Sixty (60) Days

- A. If the local office is at fault for not completing the application process by the end of the second thirty (30) day period, and the case record is otherwise complete, the office shall continue to process the

original application until an eligibility determination is made. If the household is found to be eligible, and the local office was also at fault for the delay in the initial thirty (30) days, benefits retroactive to the month of application shall be provided to the household. However, if the delay during the initial thirty days was the household's fault, benefits shall only be provided back to the month following the month of application (see Section 4.207.2).

B. If the local office is at fault for not completing the application by the end of the second thirty (30) day period, but the case record is insufficiently complete to make an eligibility determination, the office shall deny the case and request the household to file a new application, if desired.

~~C. If found eligible during the sixty (60) calendar day period, benefits to the household would be calculated from the month of application, provided the local office was also at fault for the delay in the initial thirty (30) day period. Benefits would be calculated from the month following the month of application if the household was at fault for the initial delay. The benefits would be prorated if action was taken after the thirty day time frame but still within the second month. If the household is at fault and action is not taken until the third calendar month following the month of application, the benefits will be provided only for the third calendar month. If the action is taken after the 1<sup>st</sup> day in the third calendar month but within the sixty day period, the benefits will be prorated from the date the household takes the required action for the third month.~~

~~C. D.~~ If the household is at fault for not completing the application process by the end of the second thirty (30) day period, the application shall be denied and a new application required if the household wishes to participate. The household shall not be entitled to any lost benefits even if the delay in the initial thirty day period was the fault of the local office.

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#### 4.206 CATEGORIES OF ELIGIBILITY

A. Households applying for Food Assistance must be determined eligible using one of the following categories of eligibility: Basic Categorical Eligibility (BCE), Expanded Categorical Eligibility (ECE) or Standard Eligibility.

B. Food Assistance households that are applying for or receiving benefits from other assistance programs in addition to Food Assistance are still required to meet the resource limits and follow the reporting and verification requirements of the other program. Requests for information and verification to determine eligibility for other programs shall not affect or delay the determination of Food Assistance eligibility.

C. Eligibility

1. Basic Categorical Eligibility (BCE)

a. Basic categorically eligible households are:

1) Households in which all members receive, or are authorized to receive, Supplemental Security Income (SSI) or benefits from the Colorado Works Program, Old Age Pension (OAP), Aid to the Needy Disabled (AND), Aid to the Blind (AB) or a combination of these benefits. The Colorado Works, SSI, OAP, and/or AB program(s) need only to authorize benefits for participants in order for the household to be considered for basic categorical eligibility. Individuals who are authorized to receive a benefit from one or more of these programs, but who are not paid such benefits because the grant is less than a minimum benefit or the benefits are suspended or are being recouped, are still considered eligible under basic categorical eligibility rules.

Households not receiving, or authorized to receive, Temporary Assistance for Needy Families (TANF) Title IV-A or SSI benefits, who are

entitled to Medicaid only, shall not be considered SSI or Title IV-A participants.

- 2) A household in which at least one (1) member receives services from the Family Preservation Program. This determination must be documented in the case record.
- b. Households eligible under basic categorical eligibility have been deemed to have met the income and resource requirements of the program that confers eligibility; therefore, no further verification is required beyond that gathered by the program that confers eligibility. However, the agency must collect and verify eligibility factors. ~~in accordance with Sections 4.300 and 4.502~~ If these factors are not already collected and verified by the other program, are considered questionable, or are unavailable to the Food Assistance Program. This includes:
- 1) Net income;
  - 2) Gross income;
  - 3) Resources;
  - 4) Residency;
  - 5) Social Security Number;
  - 6) Sponsored non-citizen information.
- c. A household cannot be considered under basic categorical eligibility rules if, at the time of application:
- 1) Any member is disqualified for an Intentional Program Violation of the Food Assistance Program.
  - 2) Any member has been convicted of a drug-related felony where Food Assistance benefits were used to purchase drugs.
- d. Households that are ineligible for Food Assistance benefits under basic categorical eligibility rules shall have their eligibility determined under expanded or standard eligibility rules.
2. Expanded Categorical Eligibility (ECE)
- a. Expanded categorical eligibility households are:
- 1) Households with a combined gross income at or below two hundred percent (200%) of the federal poverty level; and
  - 2) Households who have been authorized to receive a non-cash Temporary Assistance to Needy Families/Maintenance of Effort (TANF/MOE) funded service designed to further TANF Purpose Four (4) by “encouraging the formation and maintenance of two- parent families.” Language regarding the non-cash TANF/MOE funded program shall be provided on the application, recertification application, periodic report form, and/or the statement of facts.
- b. Households eligible under expanded categorical eligibility have been deemed to have met the income and resource requirements of the program that confers eligibility; therefore, no further verification is required beyond that gathered by the program that confers eligibility. However, the agency must collect and verify

eligibility factors in accordance with Sections 4.300 and 4.502. If these factors are not already collected and verified by the other program, are considered questionable, or are unavailable to the Food Assistance Program. This includes:

- 1) Net income;
  - 2) Gross income;
  - 3) Resources;
  - 4) Residency;
  - 5) Social Security Number;
  - 6) Sponsored non-citizen information
- c. A household's eligibility cannot be determined using expanded categorical eligibility rules if, at the time of application:
- 1) Any member is disqualified for an Intentional Program Violation of the food assistance program.
  - 2) Any member has been convicted of a drug-related felony where Food Assistance benefits were used to purchase drugs.
- d. Households that are ineligible for Food Assistance benefits under expanded categorical eligibility rules shall have their eligibility determined under standard eligibility rules.
3. Standard Eligibility (SE)
- a. Standard eligibility rules shall only be applied to the following households:
- 1) Households that include a member who is serving a disqualification for an IPV or a fraud conviction.
  - 2) Households that include a member who has been convicted of a drug-related felony where Food Assistance benefits were used to purchase drugs.
  - 3) Households that do not meet the criteria to be considered under basic or expanded categorical eligibility rules.
- b. Households having their eligibility reviewed under standard eligibility rules must meet the following criteria:
- 1) Households that include a member who is elderly or a person with a disability as defined in Section 4.304.41,C must have a combined net income, after all applicable deductions, at or below one hundred percent (100%) of the federal poverty level. The household must have resources below the limit prescribed in Section 4.408.
  - 2) Households that do not include a member who is elderly or a person with a disability as defined in Section 4.304.41,C must have a combined gross income at or below one hundred thirty percent (130%) of the federal poverty level. After all applicable deductions, the household's net income must be at or below one hundred percent (100%) of the federal poverty level. The household must have resources below the limit prescribed in Section 4.408.

3) Households must also meet nonfinancial eligibility criteria set out in Section 4.300.

c. Households, as defined in Section 4.304, that are found ineligible under standard eligibility rules shall be considered ineligible for participation in the Food Assistance Program.

D. If the circumstances which allowed the household to meet the criteria to be considered under basic or expanded categorical rules change during the certification period or at the time of recertification or periodic report, the household's eligibility must be re-evaluated according to the appropriate category. If there is insufficient documentation to make an eligibility determination based on the new category of eligibility, the agency shall send the household a request for verification in accordance with Sections 4.604, Action on Reported Changes, and 4.604.1, Verification of Reported Changes.

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#### 4.208 CERTIFICATION PERIODS

A. Certification periods shall conform to calendar months. Households shall be assigned the longest certification period possible based on the predictability of the household's anticipated income and other circumstances. At the expiration of each certification period, entitlement to Food Assistance benefits ends. Further eligibility shall only be established on a newly completed application for redetermination, ~~an interview if one has not been completed within the last twelve months, except for households certified for twenty-four months, and verification as required by Section 4.502.~~ Under no circumstances shall benefits be continued beyond the end of a certification period without a new determination of eligibility. The State-prescribed Notice of Action form provided to the applicant household shall indicate the period of certification if the household is determined to be eligible for benefits.

B. ~~The eligibility worker shall use the guidelines given in Section 4.208.1 in determining the appropriate period of eligibility.~~ Upon approval at the time of recertification, a household need not be assigned the same certification period as formerly, but should be assigned a period of time based on a new review of the household's circumstances.

~~C. Certification periods may not be shortened for households unless the agency receives verified information prior to certification that the household will become ineligible for Food Assistance benefits during the certification period.~~

~~D. At the time of certification, the local office shall notify the household of what changes the household is required to report during the certification period. The household shall also be notified that those changes which are required to be reported during the certification period as specified in Section 4.603 must be reported to the local office no later than the tenth (10<sup>th</sup>) of the month following the month in which the change occurred. A household shall report changes in person, by phone, mail, fax, or other electronic device.~~

C. ~~E.~~ A delinquent PA redetermination shall not delay the Food Assistance recertification beyond the date of the household's Food Assistance certification period ending date. ~~The household must be sent a Notice of Expiration form in accordance with Section 4.209.~~

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#### 4.208.1 Certification Period Guidelines [Rev. eff. 4/1/16]

Households will be assigned a ~~three~~ six (6)-month or twenty-four (24) month certification period as follows:

##### A. Twenty-Four (24) Month Certification Period

1. A twenty-four month certification period shall be assigned to households that contain only members who are elderly and/or have a disability and have no earned income, as defined in Section 4.403 at the time of certification.
2. ~~Households certified with a twenty-four month certification period are considered a simplified reporting household and, as such, are required to report changes in accordance with Section 4.603.~~
2. ~~3.~~ Households that are assigned a twenty-four month certification period must complete a periodic report form at the twelfth (12th) month interval to report any changes that have occurred or to report that no changes have occurred since the most recent certification. The form shall be returned or the case will be closed following the notice of adverse action period. The notice will state the reason for ending the certification period and that ~~the~~ certification period will end following the adverse action period.

##### B. Six (6) Month Certification Period

1. A household not assigned a twenty-four month certification period as outlined in subsection A of this section shall be assigned a six month certification period.
2. ~~Households assigned a six month certification period are considered a simplified reporting household and, as such, are required to report changes in accordance with Section 4.603.~~

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#### 4.209 RECERTIFICATION PROCESS REQUIREMENTS

A. In order to enable timely receipt of an application for recertification, the local office shall provide each household with a notice that its certification is about to expire. Benefits will not be continued beyond the end of the certification period unless the household is recertified.

A notice of expiration, as prescribed by the State Department, shall be used by offices to advise households that their certification period is ending and that a new application must be filed. ~~The notice of expiration form shall contain at a minimum:~~

1. ~~The ending date of the current certification and the consequences of failing to comply with the notice of expiration;~~
2. ~~The telephone number the household must call to schedule an interview;~~
3. ~~The office location;~~
4. ~~Notice that the household must attend any scheduled interview on or after the date the application is timely filed;~~

5. ~~The date the application must be received by the local office in order to avoid a break in the normal issuance cycle;~~
6. ~~Notice that the household is responsible for:~~
  - a. ~~Completing the processing steps of the interview;~~
  - b. ~~Rescheduling any missed interview; and,~~
  - c. ~~Providing all required verification in order to receive uninterrupted benefits.~~
7. ~~That the household has ten (10) calendar days to submit missing verification after such verification is requested;~~
8. ~~The right to request an application and have the application accepted as long as it is signed by a responsible household member or authorized representative and contains a legible name and address;~~
9. ~~The household's right to file the application by mail, through an authorized representative, electronically, by facsimile, or in person;~~
10. ~~A statement of the household's right to request a fair hearing; and,~~
11. ~~A statement that SSI households may reapply at the Social Security office instead of the local office.~~

~~B. A household unable to come into the certification office shall be advised of options available, such as the use of an authorized representative or mailing of an application with subsequent telephone interview or home certification. In the case of a household consisting entirely of SSI participants, a face to face interview shall be waived in accordance with Section 4.204.1.~~

B. C. A household shall receive the notice of expiration not less than thirty (30) calendar days and not more than sixty (60) calendar days prior to expiration of its current certification period. If mailed, the notice shall be sent for the same timely receipt, allowing two (2) extra days for delivery delay.

All households that file on or before the fifteenth (15<sup>th</sup>) of the last month of their certification period will have timely reapplied. Notices which are mailed must specify a date that allows at least two (2) days mail time and still gives the household fifteen (15) calendar days to respond. Households that submit an application for recertification by the date specified on their notice of expiration shall be considered to have timely reapplied to prevent an interruption in Food Assistance benefits.

C. D. The local office shall conduct an interview with an adult member of the household or its authorized representative a minimum of once every twelve (12) months for households certified for six (6) months or less. The local office may choose not to interview the household at each recertification provided the household has completed an interview within the previous twelve (12) months.

The local office shall schedule the interview so that the household has at least ten (10) calendar days to provide verification before the certification period ends. If an interview is required and the household fails to attend the scheduled interview, the local office ~~can~~ MUST mail the household a notice of missed interview and ~~may include~~ a notice of denial at the same time.

The local office may schedule an interview prior to the last month of the certification period or prior to the date the application is timely filed, but the household cannot be denied for failing or refusing to appear for such an interview. Rather, the local office shall send notice to the household in order to reschedule an appointment for an interview on or after the date the application is timely filed.



D. ~~E.~~ The recertification process must elicit from the household sufficient information that, when combined with information in the case record, will ensure an accurate determination of eligibility. ~~Information from the household shall be verified in accordance with Section 4.500.~~ The local office shall provide the household with a notice of required verification and the date by which the verification must be provided.

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#### 4.209.11 ~~SSA and Food Assistance Joint Processing~~

~~SSI/Food Assistance jointly processed households which have received a Food Assistance Notice of Expiration shall be entitled to make a timely application for Food Assistance recertification at the SSA office as specified below:~~

- A. ~~In SSA offices where Section 4.202.33 is in effect, the outstationed worker shall accept the application and interview the participant, and the local office shall process the application.~~
- B. ~~In SSA offices where Section 4.202.33 is not in effect, SSA shall accept the application of a pure SSI household and forward the completed application and any available verification to the designated local office. Where SSA accepts and refers the application in such situations, the household shall not be required to appear at a second office interview, although the local office may contact the client to clarify any questionable information if necessary.~~

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#### 4.301 IDENTITY OF APPLICANT

The identity of the person submitting an application shall be verified EITHER THROUGH INTERFACES, COLLATERAL CONTACT, OR CLIENT PROVIDED VERIFICATION. When an authorized representative applies on behalf of a household, the identity of both the authorized representative and the head of household shall be verified. ~~Identity shall also be verified as a condition of expedited service (see Section 4.502, A, 1). See Section 4.505.1 for acceptable sources of identity verification.~~

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#### 4.302 SOCIAL SECURITY NUMBER REQUIREMENT

##### A. General Requirements

1. As a condition of Food Assistance eligibility, each member of a household participating in or applying for participation in the Food Assistance Program shall provide a Social Security Number (SSN), or proof that an application for a Social Security Number has been submitted to the Social Security Administration. The local office shall not require any household member to submit a Social Security card or other official documents as a means of verifying a Social Security Number. Household members who provide a SSN shall not be denied benefits for failure or inability to present a Social Security card or other official documentation. If individuals have more than one Social Security Number, all numbers shall be required.
2. The local office shall explain that a member is not required to provide a Social Security Number (SSN), but the failure to provide one shall result in disqualification of the individual(s) for whom the number is not provided. The member who does not provide a SSN shall still be required to provide other eligibility information such as income and resources that will affect eligibility of other members. The local office shall advise individuals that any SSN that is provided voluntarily will be used in the same manner as SSNs of eligible household members. The SSNs will be matched against federal and state databases to verify information. SSNs will be used for the initial application matching for duplicate participation.
3. ~~If the household is being certified under the expedited service provisions, it shall provide~~

~~a SSN or application for SSN for each person in the household, except for a newborn child, before the first (1<sup>st</sup>) full month of participation.~~

3. 4. If the household member required to provide a SSN either refuses to supply his/her SSN at the time of application or fails to provide the local office with a form or letter as proof of application for a SSN without good cause, he or she shall be ineligible to participate in the Food Assistance Program. The disqualification applies to the individual(s) who refused to cooperate with the application process to obtain the SSN and not the entire household. ~~See Section 4.411.1 for how income and resources of the disqualified individual are counted toward the household.~~ The household member(s) disqualified may become eligible by providing the local office with a Social Security Number, or by providing verification ~~that~~ that an application for a SSN has been submitted to the SSA.

B. Individuals and Newborns Without a Social Security Number

1. Those household members who do not have the required Social Security Number(s) shall obtain proof of application for a SSN prior to being certified as a member of the household, unless the member is a newborn child. The applicant/recipient shall be instructed to obtain from the SSA proof that he or she has completed an application for a Social Security Number and that the SSA has received that application. A specifically addressed letter from the SSA verifying that application for a SSN has been made is also acceptable proof of application for a Social Security Number. The applicant/recipient shall be instructed to return the completed form as soon as possible to the eligibility worker. A copy of the form shall be maintained in the case record.
  - a. If the household is unable to provide proof of application for an SSN for a newborn, the household shall provide the SSN or proof of application at its next recertification within six (6) months following the baby's birth. The local office shall determine if the good cause provisions are applicable at the recertification.
  - b. If a participating household's benefits are reduced or terminated within the certification period because one or more of its members ARE required to provide a SSN is disqualified for failure to meet the SSN requirement, the local office shall issue a Notice of Adverse Action form. The notice shall inform the household that the non-cooperating individual(s) without a SSN is being disqualified, and show the current eligibility and benefit level of the remaining members, as well as a statement that the disqualified member(s) may end disqualification by providing a Social Security number.
2. Household members who provide the eligibility worker with a copy of a form or a letter from SSA, or who demonstrate good cause for not providing the proof from SSA (e.g., difficulty in obtaining birth certificates) shall be allowed to continue to participate in the Food Assistance Program as follows:
  - a. When an SSA form or letter is received by the local office or good cause for not providing proof is demonstrated, the household member in need of a SSN shall be allowed to participate so long as the household is not at fault for not providing proof of application with the SSA.
  - b. If the required SSNs are provided by the household, or it is demonstrated that good cause exists for not having applied for a SSN, the household member(s) without a SSN(s) shall remain eligible to participate. If the local office determines that the household is at fault for not having proof of application for the SSN(s), the member(s) without proof of application shall be disqualified and income shall be handled in accordance with Section 4.411.1.

C. Determining Good Cause for Not Providing a Social Security Number

1. In determining good cause, the local office shall consider information received from the

household member and/or the Social Security Administration. Documentary evidence or collateral information that the household has applied for the number or made every effort to supply the Social Security Administration with the necessary information shall be considered good cause. If the household member can show good cause why an application has not been completed in a timely manner, that person shall be allowed to participate until good cause is no longer applicable or until the household's next recertification. If the household member(s) applying for a Social Security Number has been unable to obtain the documents required by Social Security Administration, the eligibility worker should assist the individual(s) in obtaining these documents.

2. If an individual refuses to provide a Social Security Number based on a sincere religious objection, all members of the household may participate in the Program, if otherwise eligible. In these situations, the local office may check with the Social Security Administration to see if the household members already have SSNs, and may use any existing SSNs for verification and matching purposes without further notice to the household.

~~D. Verification~~

~~See Section 4.505.2 regarding how to verify a SSN.~~

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**4.303 RESIDENCY REQUIREMENT**

- A. Applicants shall live in the county or district in which they make application for the Program unless the local office has made arrangements to allow particular households to file an application in a nearby specified county/district office.
- B. Individuals may not participate in more than one household in any one (1) month unless they are a resident of a shelter for battered women and children, nor may a household participate in more than one (1) county or district in any month unless all household members are residents of a shelter for battered women and children.

Households on Indian reservations participating in the Commodity Food Distribution Program for a particular period shall not be allowed to participate in the Food Assistance Program during the same period. Participation shall be limited to participation in the Commodity Program or the Food Assistance Program.

- C. Applicants who maintain a residence in the county or district for any purpose other than a vacation, regardless of the length of time they have resided in the county or district, shall be considered eligible for the Program, provided other eligibility requirements are met.
- D. Applicants who reside in a county, without residing in a permanent dwelling nor having a fixed mailing address, shall be considered eligible for the Program, provided other eligibility requirements are met. Migrant campsites satisfy the residency requirement, as do shelters for the homeless. Homeless persons ~~as defined in Section 4.304.41~~ satisfy the residency requirement as long as dual participation in any month of eligibility is not allowed.
- E. In no instance shall there be a durational residency requirement imposed upon the applicant. Intent to permanently remain in the state shall not be a condition of eligibility.
- F. The application contains spaces for both a physical address and a mailing address. If the household has a mailing address that is different than the household's physical address, the certification worker should ensure that both addresses are given. For households residing in a permanent dwelling, a mailing address only, such as post office box or rural route, will not be sufficient, as it does not indicate the household resides in the county. In such cases, information should be given that can identify the location of the home. An exception to the requirement for physical location may be granted for residents of shelters for battered women and children and those that lack a permanent dwelling.

~~E. See Section 4.803.3 for the disqualification penalties that can be imposed upon an individual for misrepresenting his/her identity and/or residency to receive duplicate benefits.~~

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**4.304.2 Shared Living Arrangements**

- A. In instances when two (2) households request Food Assistance for the same child, the child shall be considered a member of the household that provides the majority of the child’s monthly meals.

If only one (1) household is applying for or requesting Food Assistance benefits for a child, then determining a majority of meals shall not be a factor when determining household composition.

- B. If two (2) households request assistance for the same child and both households provide an equal number of meals to the child, and the households cannot agree on who should receive Food Assistance benefits for the child for the duration of the certification period, then the household that applies for Food Assistance benefits for the child first shall be able to receive benefits for the child.
- C. In instances when an applicant or ongoing household requests benefits for a child who is already receiving Food Assistance in another household, the household who provides the child with the majority of meals shall be eligible to receive benefits for the child (~~see Section 4.505.4~~).
- ~~D. Changes in household composition shall be handled in accordance with Section 4.604.~~

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**4.304.3 Non-Household Members**

The following individuals residing with a household shall not be considered household members in determining the household's eligibility or allotment, unless otherwise stated:

- A. Roomers

Roomers are individuals to whom a household furnishes lodging, but not meals, for compensation. Roomers, who are otherwise eligible, may participate in the program as separate households.

- B. Ineligible Student

Any person who is: 1) at least eighteen (18) and not yet fifty (50) years of age, 2) physically and mentally fit, and 3) enrolled at least half time in an institution of higher education, unless he/she meets the eligibility criteria specified in Section 4.306.1.

C. Live-in Attendant

Individuals who reside with a household to provide medical, housekeeping, child care, or other similar personal services. Persons who are otherwise eligible may participate in the Program as separate households.

D. Boarders

Individuals residing with others and paying reasonable compensation to others for lodging and meals. Boarders are not eligible to participate in the Food Assistance Program as a separate household.

1. Boarders shall not be considered members of a participant or applicant household, unless the household requests that they be considered as members. If the boarder is not considered a household member, the income and resources of the boarder shall not be considered available to the household. However, the amount of payment that a boarder gives to a household for lodging and meals shall be treated as self-employment income to the household. If the household requests that the boarder be considered a household member, the boarder's income and resources shall be considered available to the household.
2. Individuals for whom foster care payments are intended are to be treated as boarders. If the household requests to include those individuals as household members, the foster care payments received by the household will be included as unearned income.

~~If foster care payments are received and the individuals are treated as boarders, then the foster care payments shall be handled as self-employment income (see Section 4.403.2). The foster care payments will be disregarded as an expense of doing business.~~

3. Boarder status shall not be granted to the following persons:
  - a. Children under eighteen (18) years of age under the parental control of a member of the household. The parental control provision does not apply to foster care children under eighteen (18) years of age.
  - b. Children twenty-one (21) years of age and younger living with their natural, adoptive, or stepparent.
  - c. The spouse of a member of the household.
  - d. A person paying less than a reasonable monthly payment for meals. Such a person will be considered a member of the household which provides the meals and lodging. When the boarder's payments for room are distinguishable from his/her payments for meals, only the amount paid for meals will be considered in determining if reasonable compensation is being paid for meals. Persons who only work in exchange for meals or make payments to a third party on the household's behalf in exchange for meals would not be classified as boarders.

A reasonable monthly payment shall be either of the following:

- 1) Boarders, whose board arrangement is for more than two (2) meals per day, shall pay an amount which equals or exceeds the maximum Food Assistance allotment for the number of persons in the boarder household.

- 2) Boarders, whose board arrangement is for two (2) meals or fewer per day, shall pay an amount which equals or exceeds two-thirds of the maximum allotment for the number of persons in the boarder household.

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4.304.41 Exemptions from the Boarding House and Institution Prohibitions

- A. An individual who is a resident of federally subsidized housing for elderly persons under Section 202 of the Housing Act of 1959 or Section 236 of the National Housing Act. A person who is elderly is defined as a member of a household who is sixty (60) years of age or older.
- B. Narcotic addicts or alcoholics and their children, who, for purposes of regular participation in a drug or alcoholic treatment and rehabilitation program, reside at a facility or treatment center (see Section 4.309.3).
- C. Residents of a public or private nonprofit group living arrangement facility, who are blind or disabled recipients who meet the definition of blind or disabled under the Food and Nutrition Act of 2008, as described below. The details for certification of a group living situation are contained in Section 4.309.4.

1. A person who is disabled is defined as a member of a household who:

- a. ~~Receives Supplemental Security Income benefits under Title XVI of the Social Security Act, or the Colorado Supplement, or Aid to the Needy and Disabled Supplemental Security Income Colorado Supplement (AND SSI CS), or Aid to the Blind Supplemental Security Income Colorado Supplement (AB SSI CS); or disability or blindness payments under Title I, II, X, or IXV of the Social Security Act;~~
- b. ~~Is a veteran with a service connected disability rated or paid as a total disability under Title 38 of the United States Code or is a veteran receiving a pension for a non-service connected disability;~~
- c. ~~Is a veteran considered by the VA to be in need of regular aid and attendance or permanently housebound under Title 38 of the Code;~~
- d. ~~Is a surviving spouse of a veteran and considered in need of aid and attendance or permanently housebound or a surviving child of a veteran and considered by the VA to be permanently incapable of self-support under Title 38 of the United States Code;~~
- e. ~~Is a surviving spouse or child of a veteran and considered by the VA to be entitled to compensation for a service connected death or pension benefits for a non-service connected death under Title 38 of the United States Code and has a disability considered permanent under Section 221(i) of the Social Security Act. "Entitled", as used in this definition, refers to those veterans' surviving spouses and children who are receiving the compensation or benefits or have been approved for such benefits but are not receiving them.~~
- f. ~~Is a person who has a disability considered permanent under Section 221(i) of the Social Security Act (SSA) and receives a federal, state, or local public disability retirement pension;~~
- g. ~~Is a person who receives an annuity for disability from the Railroad Retirement Board who is considered disabled by the SSA or who qualifies for Medicare as determined by the Railroad Retirement Board;~~

~~h. Is a recipient of interim assistance benefits pending the receipt of the Supplemental Security Income (SSI), disability-related medical assistance under the Title XIX of the Social Security Act, or disability-based state assistance benefits provided that the eligibility to receive these benefits is based on disability or blindness criteria which are at least as stringent as those used under Title XVI of the Social Security Act.~~

~~2. Verification~~

~~a. For Item 1, a, above, the household shall provide proof that the person with a disability is receiving benefits under Title I, II, X, XIV, or XVI of the Social Security Act.~~

~~b. For Item 1, b, above, the household shall provide a statement from the VA that the disability is rated or paid as total.~~

~~c. For Items 1, c and d, above, proof of receipt of VA Disability Benefits is sufficient verification.~~

~~d. For Items 1, e and f, above, unless the disability is obvious to the agency (based upon SSA's current list of disabilities considered permanent), a statement from a physician or a licensed certified psychologist is required stating such a basis.~~

~~e. For Item 1, g, above, the household shall provide proof that the individual receives a disability annuity from the Railroad Retirement Board and has been determined to qualify for Medicare.~~

~~f. For Item 1, h, above, the household shall provide proof that the individual receives interim assistance benefits pending the receipt of SSI or disability-related medical assistance under Title XIX of the Social Security Act or disability-based state general assistance benefits (AND or AB). The local office shall verify that the eligibility to receive the state general assistance, interim assistance, or medical assistance benefits is based on disability or blindness criteria which are at least as stringent as those used under Title XVI of the Social Security Act, as amended, (codified at 42 USC 1381-1383f). The Act(s) do not include any later amendments to or editions of the incorporated material. Copies of federal laws are available for inspection during normal working hours by contacting: Director, Food Assistance Programs Division, Colorado Department of Human Services, 1575 Sherman Street, Denver, CO 80203; or a state publications depository.~~

D. Women or women and their children who are temporarily residing in a public or private nonprofit shelter for battered women and children. ~~(see Section 4.309.2.)~~

E. Residents of public or private nonprofit shelters for homeless persons.

~~A homeless individual is an individual who lacks a fixed and regular nighttime residence or an individual whose primary nighttime residence is:~~

~~1. A supervised shelter which provides temporary accommodations; or,~~

~~2. A temporary residence for individuals intended to be institutionalized; or,~~

~~3. A temporary accommodation in the residence of another individual; the household will only be considered homeless if the accommodation is no more than ninety (90) days; or,~~

~~4. A place not designed for, or ordinarily used, as a regular sleeping accommodation for human beings.~~

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#### **4.305.2 Households Containing a Sponsored Non-Citizen Member**

- A. The provisions of this section apply only to those non-citizens for whom a sponsor has executed an affidavit of support (INS Form I-864 or I-864A) on behalf of the non-citizen pursuant to Section 213A of the Immigration and Nationality Act (INA) on or after December 19, 1997. Prior to this time, affidavits of supports, known as I-134s, were not legally binding; therefore, the sponsor could not be legally compelled to support the non-citizen based on an affidavit of support signed prior to December 19, 1997.
  
- B. Definition of a Sponsor
  - 1. Sponsored non-citizens are those non-citizens lawfully admitted for permanent residence into the United States who have been sponsored by an individual for entry into the country.
  
  - 2. A sponsor is a person who executed an affidavit(s) of support (INS Form I-864 or I-864A) or another form deemed legally binding by the Department of Homeland Security on behalf of a non-citizen as a condition of the non-citizen's entry or admission to the United States as a permanent resident. Date of entry or admission means the date established by the Immigration and Naturalization Service (INS) as the date the sponsored non-citizen was admitted for permanent residence.
  
- C. Only when a sponsored non-citizen is an eligible non-citizen will the local office consider the income and resources of the sponsor and sponsor's spouse available to the household. For purposes of determining eligibility and benefit level of a household of which an eligible sponsored non-citizen is a member, the local office shall deem the income and resources of the sponsor and the sponsor's spouse, if he or she executed INS Form I-864 or I-864A, as the unearned income and resources of the sponsored non-citizen.
  
- D. Calculating Sponsor Income
  - 1. The total gross income and resources of a sponsor and sponsor's spouse shall be considered as unearned income and resources of a sponsored non-citizen for a period until the person's citizenship is obtained; or until the non-citizen has worked or can receive credit for forty (40) work quarters under Title II of the Social Security Act; or the sponsor dies.  
  
The spouse's income and resources shall be counted even if the sponsor and spouse were married after the signing of the agreement.
  
  - 2. The monthly income of the sponsor and the sponsor's spouse to be considered toward the non-citizen shall be the total monthly earned and unearned income of the sponsor and spouse at the time the household containing the sponsored non-citizen member applies for or is recertified for Program participation and shall be calculated as follows:
    - a. Reduced by an amount equal to twenty percent (20%) of the earned income of the sponsor and the sponsor's spouse; and,
  
    - b. An amount equal to the Food Assistance Program's monthly gross income eligibility limit for a household equal in size to the sponsor, the sponsor's spouse, and any other person who is claimed or could be claimed by the sponsor or the sponsor's spouse as a dependent for federal income tax purposes; and,
  
    - c. If a sponsored non-citizen can demonstrate to the local office's satisfaction that his or her sponsor is the sponsor of other non-citizens, the local office shall divide

the deemed income and resources of the sponsor and the sponsor's spouse by the number of such sponsored non-citizens.

3. If the sponsored non-citizen has already reported gross income information on his/her sponsor in compliance with the sponsored non-citizen rules of another state assistance program, and the local office is aware of the amounts that income amount shall be used for Food Assistance deeming purposes. However, the local office shall limit allowable reductions to the total gross income of the sponsor and the sponsor's spouse prior to attributing an income amount to the non-citizen. The only reduction will be twenty percent (20%) earned income amount for that portion of the income determined as earned income of the sponsor and the sponsor's spouse and an amount equal to the Food Assistance Program's monthly gross income eligibility limit for a household equal in size to the sponsor, the sponsor's spouse, and any other person who is claimed or could be claimed by the sponsor or the sponsor's spouse as a dependent for federal income tax purposes.
4. Actual money paid to the non-citizen by the sponsor or the sponsor's spouse shall not be considered as income to the non-citizen unless the amount paid exceeds the amount already considered as income as above. Only the portion that actually exceeds the income already considered shall be added to that income.
5. If the non-citizen changes sponsors during the certification period, a change shall be processed to consider the new sponsor's income and resources toward the non-citizen as soon as possible after the information is verified. The previous sponsor's income and resources shall be used until such determination; however, should any present sponsor become deceased, that sponsor's income and resources shall not be attributed to the non-citizen.
6. Total resources of the sponsor and the sponsor's spouse shall be considered as resources to the non-citizen reduced by one thousand five hundred dollars (\$1,500). ~~See Section 4.206 "Categories of Eligibility" regarding which households are subject to a resource limit.~~

E. The counting of a sponsor's income and resource provisions do not apply to a non-citizen who is:

1. A member of his or her sponsor's Food Assistance household;
2. Sponsored by an organization or group as opposed to an individual;
3. Not required to have a sponsor under the Immigration and Nationality Act (INA), such as a refugee, a parolee, an asylee, or a Cuban or Haitian entrant;
4. A non-citizen who is considered as an "indigent" non-citizen;

An indigent non-citizen is a non-citizen who has been determined to be unable to obtain food and shelter which totals to an amount exceeding one hundred thirty percent (130%) of the federal poverty level. A non-citizen who is receiving in-kind benefits that exceed the gross income level for the household size shall not be considered indigent. The non-citizen's own income plus any cash, food, housing, or other assistance provided by other individual's, including the sponsor will be counted in making this determination.

For purposes of this provision, the sum of the eligible sponsored non-citizen's household's own income, the cash contributions of the sponsor and others, and the value of any in-kind assistance from the sponsor and others, shall not exceed one hundred thirty percent (130%) of the poverty income guideline for the household's size. The local office shall determine the amount of income and other assistance provided in the month of application. If the non-citizen is below one hundred thirty percent (130%) of the federal poverty level, the only amount that the local office shall consider to such a non-citizen will be the amount actually provided by the sponsor for a period beginning on the date of

such determination and ending twelve (12) months after such date. Each determination is renewable for additional twelve (12) month periods. The local office shall notify the U.S. attorney general of each such determination, including the names of the sponsor and the sponsored non-citizen involved.

5. A child of a battered parent is exempt from the provision of sponsorship. A battered non-citizen spouse, non-citizen parent of a battered child, or child of a battered non-citizen will not have sponsor's income and resources counted during a twelve (12) month period after the local office determines that the battering is substantially connected to the need for benefits, and the battered individual does not live with the batterer. After twelve (12) months, the local office shall not deem the batterer's income and resources if the battery is recognized by a court or the INS and has a substantial connection to the need for benefits, and the non-citizen does not live with the batterer;
6. Had been sponsored but has since obtained citizenship;
7. A person whose sponsor has died; or,
8. Who has worked or can receive credit for a total of forty (40) work quarters under Title II of the Social Security Act.

#### F. Verification Requirements

The local office shall verify the following information at the time of initial application and recertification:

1. The income and resources of the non-citizen's sponsor and the sponsor's spouse (if the spouse is living with the sponsor) at the time of the non-citizen's application for Food Assistance.
2. The names (and alien registration numbers) of other non-citizens for whom the sponsor has signed an affidavit of support or similar agreement.
3. The number of dependents who are eligible to be claimed for federal income tax purposes by the sponsor and the sponsor's spouse.
4. The name, address, and phone number of the non-citizen's sponsor.
5. ~~Any other information that is determined to be questionable and which affects household eligibility and benefit level shall be verified in accordance with Section 4.500.~~

#### G. Awaiting Verification

1. Until the non-citizen provides information or verification necessary to determine eligibility, the sponsored non-citizen shall be ineligible. When such verification is provided, the local office shall act on the information as a reported change in household circumstances. The eligibility of any remaining household members shall be determined. The income and resources of the ineligible non-citizen (excluding the attributed income and resources of the non-citizen's sponsor and sponsor's spouse) shall be treated in the same manner as a disqualified member as set forth in Section 4.411.1 and considered available in determining the eligibility and benefit level of the remaining household members.
2. If the sponsored non-citizen refuses to cooperate in providing and/or verifying needed information, other adult members of the non-citizen's household shall be responsible for providing and/or verifying the information. If the information or verification is subsequently received, the local office shall act on the information as a reported change. If the same sponsor is responsible for the entire household, the entire household is ineligible until such time as the needed information is provided and/or verified. The local office shall assist the non-citizen in obtaining verification provided the household is cooperating with the local office.

H. Sponsored Non-Citizen's Responsibility

1. During the period the sponsored non-citizen is subject to deeming, the eligible sponsored non-citizen shall be responsible for obtaining the cooperation of his/her sponsor, for providing the local office, at the time of application and/or recertification, the information and/or documentation necessary to calculate income and resources attributable to the non-citizen's household. The eligible sponsored non-citizen shall be responsible for providing the names (or other identifying factors) of other non-citizens for whom the non-citizen's sponsor has signed an agreement to support. The local office shall attribute the entire amount of income and resources to the applicant eligible sponsored non-citizen until he or she provides the information required.
2. The local office will determine how many of such non-citizens are Food Assistance Program applicants or participants and initiate appropriate proration. The eligible sponsored non-citizen shall also be responsible for reporting the required information about the sponsor and sponsor's spouse should the non-citizen obtain a different sponsor during the certification period. The eligible sponsored non-citizen shall report changes in income should the sponsor or sponsor's spouse change or lose employment or become deceased during the certification period. The local office shall act on the information as a reported change in household circumstances as set forth in Section 4.604.

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4.306 STUDENT ELIGIBILITY

- A. Any person who is age eighteen (18) through forty-nine (49), physically and mentally fit, and enrolled at least half time in an institution of higher education shall not be eligible to participate in the Food Assistance Program unless the person meets at least one of the criteria listed BELOW in ~~Section 4.306-1.~~

~~Institutions of higher education are defined as those institutions that normally require a high school diploma or equivalency certificate for a student to enroll. Post high school education includes, but is not limited to, colleges, universities, and post high school level technical and vocational schools.~~

- B. Student eligibility criteria does not apply to the following individuals:

1. Persons age seventeen (17) or under;
2. Persons age fifty (50) or over;
3. Persons who are physically or mentally unfit for employment (including students participating through or in a vocational rehabilitation program);

If mental or physical unfitness for employment is claimed and the unfitness is not evident to the local office, verification may be required. Appropriate verification may consist of receipt of temporary or permanent disability benefits or a statement from a physician or licensed psychologist.

4. Persons enrolled less than half time;
5. Persons enrolled full time in schools and training programs that are not institutions of higher education;
6. Persons attending high school;
7. Persons participating in an on-the-job training program.

On-the-job training is defined as training in an employment environment and does not include an internship, field work, or practical experience associated with a course of higher education.

- C. The enrollment status of a student shall begin on the first day of the school term of the institution of higher education. Once a student enrolls in an institution of higher education, such enrollment shall be deemed continuous through normal periods of class attendance, vacation, and recess unless the student graduates, is suspended or expelled, drops out or does not intend to register for the next normal school term (excluding summer session). It is possible for a student to enroll prior to the beginning of the school term. However, for eligibility purposes, enrollment starts when the student starts classes.

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#### 4.307 STRIKER ELIGIBILITY

- A. Households containing a striking member shall not be eligible for Food Assistance unless the household was eligible for the Program the day before the strike and are otherwise eligible at time of the strike. Households where the striking member was exempt from work registration the day before the strike shall not be subject to these provisions and shall be certified if otherwise eligible, unless the exemption was based on the employment.
- B. Pre-strike eligibility is determined by considering the day prior to the strike as the day of application and assuming the strike was not occurring. Eligibility at the time of application shall be determined by comparing the striking member's income as of the day before the strike to the striking member's current income and adding the higher of the two (2) to the current income of the non-striking household members during the month of application. The higher income will be used in determining benefits.
- C. For Food Assistance purposes, a striker is anyone involved in a strike or other concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees. Individuals will be deemed participants in a strike whether or not they personally voted for the strike.
- ~~D. Households containing a striking member shall not be eligible for Food Assistance unless the household was eligible for the Program the day prior to the strike, and is otherwise eligible at the time of application.~~

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#### 4.308 VOLUNTARY QUIT

- A. No individual who quit his or her most recent job without good cause or reduces work effort and, after the reduction, is working less than thirty (30) hours each week, without good cause, or earning less than the federal minimum wage multiplied by thirty (30) hours, shall be eligible for participation in the Food Assistance Program. At the time of application, the eligibility technician shall explain to the applicant the potential penalties if a household member quits his or her job or reduced hours or wages without good cause or if another member joins the household if that individual has voluntarily quit employment.
- B. When a household files an application, or when a participating household reports the loss of a source of income or reduction in hours, the local office shall determine whether any household member voluntarily quit or reduced his or her hours or income. Benefits shall not be delayed ~~beyond the processing standards as specified in Section 4.205.2~~ pending the outcome of this determination. A sanction shall be imposed if the quit or reduction in hours or wages occurred within sixty (60) calendar days prior to the date of application or anytime thereafter, and the quit or reduction was without good cause. An employee of the federal government, or of a state or local government who participates in a strike against such government, and is dismissed from his or her job because of participation in the strike, shall be considered to have voluntarily quit his or

her job without good cause. If an individual quits a job, secures new employment at comparable wages or hours, and, through no fault of his or her own loses the new job, the earlier quit shall not be a basis for disqualification.

C. In the case of an applicant household, the local office shall determine whether any currently unemployed household member who is required to register for work or was exempt from registration for being employed has voluntarily quit his or her most recent job within the last sixty (60) days. If the local office learns that a household has lost a source of income after the date of application but before the household is certified, the local office shall determine whether a voluntary quit occurred.

The nonexempt individual who quit or reduced work hours will be ineligible to participate for the sanction period if the household is determined eligible for the Food Assistance Program. The individual will be required to comply with Employment First following the sanction period unless the individual becomes exempt from work requirements.

D. In the case of the participating household, the local office shall determine whether any household member voluntarily quit his or her job while participating in the Program. If a household is already participating when a quit that occurred prior to certification is discovered, the household shall be regarded as a participating household.

E. Upon a determination that the individual voluntarily quit employment, reduced work hours below thirty (30) hours, or reduced wages to the point at which the person is earning less than the federal minimum wage multiplied by thirty (30) hours, the local office shall determine if the voluntary quit was with good cause.

If an individual voluntarily quits or reduces work hours/wages without good cause, the individual will be disqualified in the same manner as individuals failing to comply with work registration or Employment First requirements (~~See Section 4.310.6~~).

F. If the local office determines that the individual voluntarily quit his or her job or reduced his or her work hours without good cause while participating in the Food Assistance Program, the local office shall provide the household with a Notice of Adverse Action within ten (10) calendar days after the determination of a voluntary quit is made. The notice shall contain the particular act of noncompliance, the proposed period of disqualification, the action to be taken at the end of the disqualification and shall specify that the individual may be included in the household after the disqualification period if the individual meets other work requirements.

G. Individuals have the right to a fair hearing to appeal a disqualification due to a determination that the individual quit his or her job without good cause or reduced his or her work hours without good cause. If a participating household requests a fair hearing and the local office determination is upheld, the disqualification period shall begin the first of the month after the hearing decision is rendered.

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#### 4.308.1 Good Cause for Quitting or Reducing Work Hours

Upon a determination that the individual voluntarily quit employment, the local office shall determine if there was good cause which shall include, but not be limited to, any of the following:

- A. Discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, national origin, or political beliefs;
- B. Work demands or conditions that render continued employment unreasonable such as working without being paid on schedule;
- C. Acceptance by the individual of employment; or enrollment of at least half-time in any recognized school, training program, or institution of higher education, that requires the individual to leave employment;

- D. Acceptance by any other household member of employment or enrollment at least half-time in any recognized school, training program, or institution of higher education in another county or political sub-division which requires the household to move and thereby requires the individual to leave employment;
- E. Resignations by persons under the age of sixty (60) that are recognized by the employer as retirement;
- F. Resignation from employment that does not meet suitable criteria specified in Section 4.310.51;
- G. Because of circumstances beyond the control of the individual, accepted full time employment subsequently either does not materialize or results in employment of less than thirty (30) hours a week or weekly earnings of less than the federal minimum wage multiplied by thirty (30) hours;
- H. Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another, such as migrant farm labor or construction work, even though employment at the new site has not actually begun;
- I. Illness of the head of household;
- J. Illness of another household member requiring the presence of the head of household;
- K. A household emergency;
- L. The unavailability of transportation; or,
- M. Employer demands a reduction in participant's work effort or salary through no fault of the employee.
- N. LACK OF ADEQUATE CHILD CARE FOR CHILDREN WHO HAVE REACHED AGE 6 BUT ARE UNDER AGE 12.

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4.309.21 Residents of Shelters for Battered Women and Children

Women or women with their children who are temporarily residing in a shelter for battered women and children (which serves over fifty percent (50%) of their meals) shall be considered exempt from the prohibition against residents of institutions.

- A. They shall be allowed to apply and be considered for eligibility as individual (parent/child) units, rather than considered as part of a household consisting of all shelter residents.
- ~~B. Since leaving a shelter may pose a hazard to many of these women and children, the local office shall make provisions to interview these persons over the telephone, if the client feels it is necessary.~~
- B. ~~C.~~ In many instances battered women and their children who were previously certified in the household of an abuser may not have access to their allotment. Therefore, these individuals shall be allowed to participate in one (1) additional project area and/or household so long as one of the two households with which they are participating contains the individual who abused them. These persons may receive an additional allotment only once in a month.
- C. ~~D.~~ The local office should act promptly to reflect the changes in household composition and shall act on the change to reduce or terminate benefits to the applicant's former household as appropriate.



D. ~~E.~~ Shelter residents who apply as separate households shall be certified solely on the basis of their income and resources and the expenses for which they are responsible. They shall be certified without regard to the income, resources, and/or expenses of their former household. Jointly held resources shall be considered inaccessible to the household if access to such resources is dependent upon the agreement of a joint owner who still resides in the former household.

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4.309.31 Responsibilities of the Center

Drug or alcohol treatment and rehabilitation centers will be responsible for the following:

A. The drug or alcohol treatment center employee designated to serve as an authorized representative shall be responsible for obtaining their own Electronic Benefit Transfer (EBT) card and Personal Identification Number (PIN) with which to access benefits from the resident's account while the resident remains a resident of the facility.

The resident's EBT card shall be stored in a secure area while the resident receives treatment at the facility. The drug or alcohol treatment center shall not have access to, or knowledge of, the PIN for the resident's own EBT card.

B. Each treatment and rehabilitation center shall provide the certification office with a certified list of currently participating residents and their children residing with them in the center. The certification office shall require the list on a monthly or semimonthly basis. In addition, the certification office shall conduct periodic, random, onsite visits to the center to ensure the accuracy of the listings and that the local office's records are consistent and up-to-date. The frequency of periodic visits is left to the discretion of the local office but once each year is recommended.

~~C. The treatment center shall notify the certification office of changes in the household's circumstances in accordance with reporting requirements outlined in Section 4.603.~~

C. ~~D.~~ The treatment center shall also report when the resident leaves the treatment center. The treatment center shall return to the issuing office any benefits received after the household has left the center.

The treatment center shall provide the residents with their EBT card when the household leaves the treatment and rehabilitation program. Once the household leaves the treatment center the center is no longer allowed to act as that household's authorized representative. The departing resident shall receive his/her full allotment if already issued and if no benefits have been spent on his/her behalf. If benefits have been issued and any portion have been spent on his/her behalf and the resident leaves, the treatment center shall return a prorated amount of the household's monthly allotment back to the household's EBT account based on the number of days in the month that the household resided at the center. Under no circumstances shall the center pull benefits from an EBT card after the resident has left the facility. In addition, the drug or alcohol treatment center shall return the authorized representative EBT card, and the resident's card if it was left behind, to the issuing office within five (5) calendar days of the resident's departure.

The center shall provide the household with a change report form as soon as it has knowledge the household plans to leave the facility and advise the household to return the form to the local Food Assistance office within ten (10) days of any change the household is required to report.

D. ~~E.~~ The organization or institution shall be responsible for any misrepresentation or fraud, which it knowingly commits in the certification of center residents. As an authorized representative, the organization or institution shall be knowledgeable about household circumstances and should carefully review those circumstances with residents prior to applying on their behalf.

E. ~~F.~~ The organization or institution may be penalized or disqualified if it is determined administratively or judicially that benefits were misappropriated or used for purchases that did not contribute to a

certified household's meals. The certification office shall promptly notify the state office when it has reason to believe that an organization or institution is misusing Food Assistance benefits in its possession. However, no action shall be taken against the organization or institution prior to an FNS investigation. The certification office shall establish a claim for over-issuance of Food Assistance benefits held on behalf of resident clients if any over-issuances are discovered as a result of an FNS investigation or hearing. If FNS disqualifies an organization or institution as an authorized treatment center, the certification office shall suspend its authorized representative status for the same period.

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#### 4.309.4 Residents of Group Living Arrangements

A. Group living arrangements are residential settings that are considered alternatives to institutional living. Institutional settings are not included in this provision. To be eligible as residents of a group living arrangement, the person shall be blind or disabled as defined in Section 4.304.44. In addition, the local office shall verify that the group living arrangement is a public or private nonprofit facility with no more than sixteen (16) residents, and is certified as a group living arrangement by the Colorado Department of Public Health and Environment and the Colorado Department of Human Services under Section 1616(e) of the Social Security Act. FNS may also certify under standards determined by the USDA that are comparable to standards implemented the state under 1616(e) of the Social Security Act (codified at 42 USC). The federal laws do not include any later amendments to or editions of the incorporated material. Copies of the federal laws are available for inspection during normal working hours by contacting: Director, Food Assistance Programs Division, Colorado Department of Human Services, 1575 Sherman Street, Denver, Colorado 80203; or a state publications depository. Individuals residing in a for profit facility are considered residents of an institution per Section 4.304.4(E).

B. Residents of group living arrangements may elect to participate in the Food Assistance Program. Residents shall either apply and be certified through an authorized representative, who is employed and designated by the group living arrangement, or apply and be certified on their own behalf or through an authorized representative of their own choice. The group living arrangement shall determine if any resident may apply for Food Assistance on his/her own behalf; the determination shall be based on the resident's physical and mental capability to handle his/her own affairs.

1. If residents apply through the use of the facility's authorized representative, their eligibility shall be determined as one-person households. The group living arrangement may either receive and spend the allotment on food prepared by and/or served to the eligible resident, or allow the eligible resident to use all or any portion of the allotment on his/her own behalf.

The group living facility employee designated to serve as an authorized representative shall be responsible for obtaining their own Electronic Benefit Transfer (EBT) card and Personal Identification Number (PIN) with which to access benefits from the resident's account while the resident remains a resident of the facility.

The resident's EBT card shall be stored in a secure area while the resident resides in the group living facility. The group living facility shall not have access to, or knowledge of, the PIN for the resident's own EBT card.

2. If the residents apply on their own behalf, the applications shall be accepted for any individual applying as one-person household or for any grouping of residents applying as a household. If residents are certified on their own behalf, the allotment may be returned to the facility to be used to purchase food for meals served either communally or individually to eligible residents, used by eligible residents to purchase and prepare food for their own consumption, and/or to purchase meals prepared and served by the group living arrangement.

- C. Applications for residents of group living arrangements shall be processed using the same standards that apply to all other Food Assistance households including that residents entitled to expedited service shall have benefits available for spending no later than seven (7) calendar days following the date the application was filed. Required verification shall be obtained prior to further benefits being issued.
- D. The local office shall process changes in household circumstances and recertifications by using the same standards that apply to all other Food Assistance households, and resident households shall be afforded the same rights all other Food Assistance households enjoy, including the right to notices of adverse action, fair hearings, and entitlement to lost benefits.

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**4.401 INCOME ELIGIBILITY STANDARDS**

~~Participation in the Program shall be limited to those households whose incomes are determined to be a substantially limiting factor.~~

~~The gross and net income standards of eligibility shall be based on the federal income poverty levels established as provided in Section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) and as stated in Section 273.9(A) of the Code of Federal Regulations; no later editions or amendments are incorporated. Copies of these regulations are available for inspection during normal working hours by contacting: Colorado Department of Human Services, Director, Food Assistance Programs Division, 1575 Sherman Street, Denver, Colorado 80203; or any state publications depository.~~

~~The gross and net income standards are located in Sections 4.401.1 and 4.401.2.~~

- A. Income eligibility is determined based on the composition of the household. A household shall meet the gross and net income eligibility standards as outlined below:
  - 1. Expanded categorically eligible households MUST HAVE GROSS INCOME BELOW TWO HUNDRED PERCENT (200%) OF THE FEDERAL POVERTY LEVEL, ~~as defined in Section 4.206, that do not include a member who is elderly and/or a person with a disability, shall have gross income at or below one hundred thirty percent (130%) of the federal poverty level and have a net income at or below one hundred percent (100%) of the federal poverty level.~~
  - 2. ~~Households that do include a member who is elderly and/or a person with a disability shall have gross income at or below two hundred percent (200%) of the federal poverty level and have net income at or below one hundred percent (100%) of the federal poverty level.~~
  - 2. ~~3.~~ Basic categorically eligible households shall be deemed as having met gross and net income limits.
  - 3. ~~4.~~ Households which are not considered expanded or basic categorically eligible and instead subject to standard eligibility rules shall meet income eligibility standards as follows:
    - a. Households that do not include a member who is elderly or a person with a disability shall have gross income at or below one hundred thirty percent (130%) of the federal poverty level and have a net income at or below one hundred percent (100%) of the federal poverty level.
    - b. Households that do include a member who is elderly or a person with a disability shall have a net income at or below one hundred percent (100%) of the federal poverty level.

4. ~~5.~~ For household members who are persons that are elderly and/or have a disability, who are unable to purchase and prepare meals because he or she suffers from a disability considered permanent under the Social Security Act, or a non-disease related, severe, permanent disability, may be considered, together with his or her spouse if the spouse is living in the same home, a separate household from the others with whom the individual lives. The combined income of the others with whom the individual who is elderly and disabled resides (excluding the income of individual who is elderly and disabled and his or her spouse) must not exceed one hundred sixty five percent (165%) of the poverty level. See Sections 4.401.1 and 4.401.2 for the gross and net income levels for 165% of the federal poverty level.

B. Ineligible students and household members who are ineligible due to citizenship status, intentional program violation, failure to cooperate with work programs, or failure to provide or apply for a Social Security Number, shall be excluded when determining the household size and the appropriate income eligibility maximum and/or level of benefits.

~~C. When a certified household has person who is elderly or a person with a disability move into or out of the household, or has a member who becomes sixty (60) years old or begins to receive SSI, disability payments, or veterans benefits, or otherwise becomes classified as a person who is elderly or a person with a disability as defined in Section 4.304.41 a reportable change shall be acted upon within ten (10) calendar days from the day the local office is notified. If the change is not one that the household is required to report, and it is unknown to the local office, the net income eligibility standard will be applied at the time of recertification.~~

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**4.401.1 Gross Income LEVELS Eligibility Determination**

~~A household evaluated under standard eligibility rules may be eligible if its monthly nonexempt earned and unearned income does not exceed the gross income level. If after deducting any legally obligated child support payments and no other deductions, the household exceeds the gross income level there are no further computations required to consider the household's net income level. Instead, a Notice of Action form is completed to deny the household.~~

~~The gross income level for households eligible under standard eligibility rules that do not include a member who is elderly and/or a person with a disability is one hundred thirty percent (130%) of the federal poverty level.~~

**Gross Income Levels**

Effective October 1, 2017, the gross income level for one hundred thirty percent (130%), two hundred percent (200%), and one hundred sixty-five percent (165%) of the federal poverty level for the corresponding household size is as follows:

Household Size	130% Gross Income Level	200% Gross Income Level	165% Gross Income Level
1	\$1,307	\$2,010	\$1,659
2	\$1,760	\$2,708	\$2,233
3	\$2,213	\$3,304	\$2,808
4	\$2,665	\$4,100	\$3,383
5	\$3,118	\$4,798	\$3,958
6	\$3,571	\$5,494	\$4,532
7	\$4,024	\$6,190	\$5,107
8	\$4,477	\$6,888	\$5,682
Each additional person	+\$453	+\$698	+\$575

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**4.401.2 Net Income LEVELS Eligibility Determination**

- A. ~~Households evaluated under standard eligibility rules whose income does not exceed the gross income level as outlined in this section shall have their eligibility for benefits computed allowing the earned income, standard, dependent care, medical, and shelter deductions, as appropriate. The household shall be eligible only if its monthly gross income, less the allowable Food Assistance deductions, is below the maximum net eligibility level for their household size. A standard eligibility household that exceeds the net eligibility level must be denied.~~
- B. ~~A standard eligibility household shall be eligible for Food Assistance benefits if its monthly nonexempt earned and unearned income, less all applicable deductions, including the earned income, standard, medical, dependent care, and unlimited excess shelter deduction, does not exceed the maximum net income level.~~
- C. ~~If a household contains a member who is fifty nine (59) years old on the date of application, but who will become sixty (60) years of age before the end of the month of application, the local office shall determine the household's eligibility as if the person is sixty (60) years of age.~~
- D. ~~Net Income Levels~~

Effective October 1, 2017, the net income level of one hundred percent (100%) of the federal poverty level for the corresponding household size is as follows:

Household Size	100% Net Income Level
1	\$1,005
2	\$1,354
3	\$1,702
4	\$2,050
5	\$2,399
6	\$2,747
7	\$3,095
8	\$3,444
Each Additional Person	+\$349

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#### 4.402 HOUSEHOLD INCOME ELIGIBILITY

##### A. Determining Income

1. ~~Income eligibility shall be determined prospectively based on the eligibility worker's anticipation of income at the time of application and when changes are made known to the local office. See Section 4.603.1 for rules concerning anticipating income. Income shall be determined as it is anticipated to be received unless the income is averaged over the certification period in accordance with Section 4.402.2.~~
2. When determining if a household is eligible under gross and/or net income limits, households shall have income converted to a monthly amount by using a conversion as specified below. When a full month's income is anticipated any cents in the gross weekly or biweekly earnings shall be used in converting income to a monthly amount.

Monthly income amounts shall be rounded to the nearest dollar amounts. Each monthly income figure that ends in 1 through 49 cents is rounded down, and each monthly income figure that ends in 50 through 99 cents is rounded to the next dollar.

Pay Frequency	Conversion
Weekly	Multiply Weekly Average by 4.3.
Bi-Weekly (Every Two Weeks)	Multiply Bi-Weekly Average by 2.15.

Semi-Monthly (Twice a Month)	Multiply Semi-Monthly Average by 2.
Every Other Month	Multiply Average by 0.5.
Quarterly	Multiply Average by 0.333333.
Twice a Year	Multiply Average by 0.166666.
Annual	Multiply Average by .083.

3. Household income shall mean all earned and unearned income received or anticipated to be received by household members from whatever source, unless specifically exempted for Food Assistance eligibility and budgeting purposes, per Section 4.405. Income of household members, including the amount of the disqualified person's income attributed to the household, shall be counted as income in the month received or the month it becomes available, unless the income is averaged over the certification period. See Section 4.411 for additional information.

**B. Variations in Date of Pay**

1. Regular ongoing earned income that is received early or late by a household due to a holiday, a weekend, or pay dates being changed will have income counted based on the regular pay schedule instead of the actual date of pay.
2. Households receiving monthly benefits such as public assistance or social security payments shall not have their monthly income varied merely because mailing cycles resulted in two (2) payments in one month and none in the next month.
3. Households containing a member of the Armed Services of the United States shall not have their monthly income varied merely because the first day of the month falls on a holiday or weekend which resulted in two (2) payments in the month and none in the subsequent month.

**C. Wage Data**

1. With respect to income or resource information originating with the Internal Revenue Service (IRS) and provided through the income and eligibility verification system (IEVS), as well as wage data obtained through the DOLE or IEVS, the local office must verify such information from another source and must verify applicant/participant access to that income/resource. The local office may not take adverse action on such information until independent verification is obtained, or until the applicant has been found to have failed to cooperate in providing the required verification. The information must also be verified prior to establishing a claim for an over-issuance of benefits.
- ~~2. Income considered verified upon receipt as outlined in Section 4.504.6 shall be considered verified once it is known to the agency. If the household declares that the information is not accurate, the household shall be given an opportunity to provide verification in order to resolve the discrepancy.~~

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**4.402.1 Prospective Budgeting**

- A. Prospective budgeting is the process of computing a household's allotment based on anticipated income and circumstances during the issuance month. All Food Assistance households and all situations require prospective budgeting determinations, including public assistance households under the Title IVA (Temporary Assistance to Needy Families/Colorado Works) Program.
- B. If the date of receipt or the amount of any anticipated income is uncertain, such as a new job or a PA application, that portion of income shall not be considered. Only the portion of income which can be anticipated with reasonable certainty concerning the amount and month in which monies will be received shall be counted as income.

~~If a household is certified using anticipated income and the county department subsequently receives documentation verifying a lower amount of income, the change in income shall take effect the month following the month the change is considered reported. If the documentation verifies a higher amount of income, but the income does not cause the household to exceed 130% of the federal poverty level, the change in income shall not cause a decrease in benefits until recertification or periodic report for simplified reporting households, but may cause a decrease in benefits for non-simplified reporting households (see Section 4.604, D).~~

- C. Income received within the past thirty (30) days may be used as an indication of the income that will be received in the issuance month unless changes in income have occurred or can be anticipated which require proper adjustment. Income used to determine prospective eligibility shall be representative of the household's current circumstances.

If the verified income does not provide an accurate indication of anticipated income, a longer period of past time may be used if it will provide a more accurate indication of anticipated income. If a household's income fluctuates seasonally, it may be appropriate to use the last season rather than the last thirty (30) days, although precaution must be taken to account for possible fluctuations or new circumstances. Except for eligible strikers, no household shall have the amount of any past income automatically attributed to it.

- ~~D. In cases where the receipt of income for households is reasonably certain but the monthly amount is expected to fluctuate, the household may qualify to have its income averaged to obtain a monthly amount (refer to Section 4.402.2).~~

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#### 4.403 COUNTABLE EARNED INCOME

The following shall be considered as earned income.

- A. Wages and Salaries
  1. All payments for services as an employee, including garnishments, or money payments legally obligated to the employee and diverted to a third party for the employee's household expenses.

Countable income from employment received by students in institutions of higher education while participating in state work-study programs or a fellowship with a work requirement shall not be considered as earned income.
  2. Earned income includes government payments from Agricultural Stabilization and Conservation Service and wages of AmeriCorps Volunteers in Service to America (VISTA) workers. VISTA payments are excluded if the client was receiving Food Assistance when he or she joined VISTA. If the client was not receiving Food Assistance when he or she joined VISTA, the VISTA payments shall count as earned income. Temporary interruptions in Food Assistance participation shall not alter the exclusion once an initial determination has been made (see Section 4.405.2, A, 3). Temporary interruptions shall be defined as a period of time where a household or individual missed a full month of benefits, excluding instances where the lapse in benefits is due to the local office not taking timely action in accordance with the processing standards outlined in Sections 4.604, 4.205, or 4.209.1.
  3. Wages held at the request of the employer shall be considered income to the household in the month the wages would otherwise have been paid by the employer. Advances on wages shall count as income in the month received, if reasonably anticipated. However, wages held by the employer as a general practice shall not be counted as income unless the household anticipates that it will receive income from such wages previously withheld by the employer.

When an advance on wages is subsequently repaid from current wages, only the amount of wages received is considered as income. The amount of repayment is disregarded, even if the wage earner was not a Food Assistance participant at the time of the advance.

4. Payment for sick leave, vacation pay, and bonus pay shall be considered as earned income, if the person was still employed while receiving the pay.

B. Training Allowances

1. Payments from vocational and rehabilitation programs recognized by federal, state, or local governments, such as the Job Opportunities and Basic Skills (JOBS) Program, to the extent they are not a reimbursement except for allowances paid under the Workforce Innovation and Opportunity Act (WIOA).
2. Earned income will include earnings to individuals who are participating in the on-the-job training under Section 204(5), Title II, of the Workforce Innovation and Opportunity Act (WIOA). This provision does not apply to household members under nineteen (19) years of age who are under the parental control of another adult member. Earnings include monies paid by the Workforce Innovation and Opportunity Act (WIOA) and monies paid by an employer.

C. Title I Monies

Payments received under Title I (VISTA-University Year of Action) of the Domestic Volunteer Service Act of 1973 shall be considered earned income and subject to the earned income deduction, excluding payments made to those households specified in Section 4.405.2.

D. Income of Strikers

Pre-strike eligibility is determined by considering the day prior to the strike as the day of application and assuming the strike was not occurring. Eligibility at the time of application shall be determined by comparing the striking member's income as of the day before the strike to the striking member's current income and adding the higher of the two to the current income of the non-striking household members during the month of application.

E. Self-Employment

The method of ascertaining the self-employment income to be considered for Food Assistance purposes is often difficult and the guidelines set forth in Sections 4.403.1–4.403.12 are meant to clarify and aid the process.

In determining gross self-employment income, all income received by the self-employment household must be considered. Self-employment income includes:

1. Monies received from rental or lease of self-employment property. Rental property shall be considered a self-employment enterprise. However, the income will be considered as earned income only if the household member (or disqualified person) actively manages the property at least an average of twenty (20) hours per week.
2. Monies received from the sale of capital goods, services, and property connected to the self-employment enterprise. Proceeds of sales from capital goods or equipment are to be treated as income rather than as capital gains.

The term “capital gains”, as used by the Internal Revenue Service (IRS), describes the handling of the profit from the sale of capital assets such as, but not limited to, computers and other electronic devices, office furniture, vehicles, and equipment used in a self-employment enterprise; or securities, real estate, or other real property held as an



investment for a set period of time. For Food Assistance purposes, the total amount received from the sale of capital goods shall be counted as income to the household.

~~3. Income from roomers/boarders (see paragraph G below).~~

F. Owners of Limited Liability Corporations (LLC) and S-Corporations

For Food Assistance Program purposes, owners of LLCs or S-Corporations are considered employees of the corporation and, therefore, cannot be considered self-employed. Because they are not considered self-employed, they are not entitled to the exclusion of allowable costs of producing self-employment income. The income from these types of corporations should be treated as regular earned income, not self-employment income.

Although income received from these corporations is not considered self-employment, the income as reported on the LLC or S-Corporation owner's individual form 1040, shall be counted in determining the household's eligibility and benefit level. Income verified on the 1040 would then be annualized. In the case of a new business, anticipated income shall be used to determine financial eligibility until a tax form is available.

G. Boarder Income

The income of boarders shall include all direct payments to the household for room and meals, including contributions to the household for shelter expenses. Shelter expenses paid directly by boarders to someone outside of the household shall not be counted as income to the household. See Section 4.403.2 regarding calculating income from a boarder.

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4.403.1 Self-Employment

See Section 4.403, E, for a description of what is considered self-employment income.

A. Self-employment is defined as a situation where some or all income is received from a self-operated business or enterprise in which the individual retains control over work or services offered, and assumes the necessary business risks and expenses connected with the operation of the business.

Households in which one or more members are engaged in an enterprise for gain either as an independent contractor, franchise holder, or owner-operator must be considered as self-employed, provided that the members are actively engaged in the enterprise on a day-to-day basis. In instances where the members hire or contract for another person or firm to handle the day-to-day activities of such enterprise, the members will have self-employment income but will not be considered as self-employed for purposes of work registration. The self-employed individual need not own one hundred percent (100%) of the company to be considered self-employed.

~~All financial and non-financial eligibility criteria shall apply to self-employment households.~~

B. The receipt of income from self-employment, which may constitute all or only a portion of the income of the household, does not automatically exempt the members from the work registration requirement. This determination will be made based on the assessment of the eligibility technician and the household's declaration that the self-employment enterprise requires thirty (30) hours of work per week or averages annually thirty (30) hours per week.

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4.404 COUNTABLE UNEARNED INCOME

Unearned income shall include, but not be limited to, the following:

A. Assistance Payments

Payment from federal or federally aided public assistance programs, such as Supplemental Security Income (SSI), or Colorado Works/Temporary Assistance to Needy Families (TANF)/Title IV-A, or other assistance programs based on need, including payments from programs which require, as a condition of eligibility, the actual performance of work without compensation other than the assistance payments themselves. ~~Payments identified as energy assistance would be excluded in accordance with Section 4.405.2.~~

~~Foster care payments for children or adults will only be included as income when the individual for whom the payment is intended is included as a member of the household (see Section 4.304.3).~~

B. Retirement and Disability Payments

Payments from annuities; pensions; retirement; veterans or disability benefits; workmen's or unemployment compensation; old age, survivors, or Social Security benefits; and strike benefits.

C. Support and Alimony Payments

Support and alimony payments made directly to the household from non-household members for normal living expenses.

~~D. Educational Monies~~

- ~~1. Money that is legally obligated or otherwise payable to a household member for education, which includes the amount from scholarships, educational grants, fellowships, deferred payment loans for education, veteran's educational benefits, and any other money received specifically for education expenses shall not be considered as unearned income.~~

~~D. E.~~ Rental Income

Rental income is total income, less the cost of doing business, from rental property in which a household member (or disqualified individual) is not actively managing the property an average of at least twenty (20) hours a week ~~(see Section 4.403.1).~~

~~E. F.~~ Income of Non-Citizen Sponsors

Income of non-citizen sponsors shall be considered as unearned income to households containing sponsored non-citizens. ~~Refer to Section 4.305.4 for specific instructions.~~

~~F. G.~~ Vacation Pay, Sick Pay, and Bonus Pay

If vacation pay, sick pay, or bonus pay is received in installment payments after a person has terminated employment, it is considered unearned income. If the pay is received in a lump sum, it shall be considered as a resource in the month received.

~~G. H.~~ Gifts

Gifts from nonprofit organizations that exceed three hundred dollars (\$300) in a quarter or gifts from other sources of any amount, if they can be anticipated, ~~and are not exempt as income under Section 4.405.~~

~~H. I.~~ Other Gain or Benefits

Dividends, interest, royalties, and all other nonexempt direct money payments from any source that can be construed to be a gain or benefit.

Monies withdrawn from trust funds are income in the month received. Dividends that the household has the option of either receiving as income or reinvesting in the trust must be considered as income in the month they are available to the household.

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#### 4.405 EXEMPT INCOME

Income from certain sources will be excluded for Food Assistance eligibility purposes under mandate of law. Only the following will not be considered as income:

##### A. Irregular Income

Any income in the certification period that is received too infrequently or irregularly to be reasonably anticipated, but not in excess of thirty dollars (\$30) in three (3) months.

##### B. Monies Intended for Non-Household Members

Monies received and used for the care and maintenance of a third-party beneficiary who is not a household member. If the intended beneficiaries of a single payment are both household and non-household members, any identifiable portion of the payment intended and used for the care and maintenance of the non-household member shall be excluded. If the non-household member's portion cannot be readily identified, the payment shall be evenly prorated among the intended beneficiaries and the exclusion applied to the non-household member's pro rata share or the amount actually used for the non-household member's care and maintenance, whichever is less.

##### C. Earnings of Children

The earned income of children who are under eighteen (18) years of age, who LIVE WITH THEIR NATURAL PARENT, ADOPTIVE PARENT, STEPPARENT, OR ARE UNDER THE PARENTAL CONTROL OF ANOTHER HOUSEHOLD MEMBER OTHER THAN A PARENT ~~are members of the household~~ and are students at least half-time in elementary school, high school, or classes to obtain a General Equivalency Diploma (GED), will be considered exempt income.

The exclusion shall continue to apply during temporary interruptions in school attendance due to semester or vacation breaks, provided the child's enrollment will resume following the break. If the child's earnings or amount of work performed cannot be differentiated from that of other household members, the total earnings shall be prorated equally among the working members and the child's pro rata share excluded.

If the student becomes eighteen (18) years of age in the month of application, the income shall be excluded for the month of application and counted the following month. If the student turns eighteen (18) during the certification period, SIMPLIFIED REPORTING RULES APPLY ~~the income shall be excluded until the month following the month the student becomes eighteen (18) years of age.~~

~~Individuals are considered children for purposes of this provision if they are under eighteen (18) years of age, live with their natural parent, adoptive parent or stepparent, or are under the parental control of another household member other than a parent.~~

##### D. Recoupments

The following recoupments or repayments from any nonexempt income source shall be exempt as income as follows:

1. Monies withheld from an assistance payment, earned income, or monies received from any nonexempt income source that is voluntarily or involuntarily returned to repay a prior overpayment received from that income source. Only the net income received from these sources shall be considered countable income. However, monies withheld from a federal, state, or local means-tested program (such as Title IV-A, State Old Age Pension), for

purposes of recouping an overpayment which resulted from the household's intentional failure to comply with that program's requirements, shall not be exempted as income, and the gross income received from these sources shall be considered countable income. See Section 4.705 for specific instructions.

2. Child support payments received by Title IV-A participants that the household must transfer to the agency administering Title IV-D of the Social Security Act, in order to maintain their Title IV-A eligibility.

~~E. Court Ordered Child Support Payable to Other Parties~~

~~Income which is diverted from a household by a court order to pay a child support payment to or for a non-household member is deducted from income for the household making the payment (see Section 4.407.5).~~

E. F. Non-recurring Lump Sum Payments

Money received in the form of non-recurring lump sum payments, includes, but is not limited to, income tax refunds, rebates, or credits; retroactive lump-sum Social Security, SSI, public assistance, railroad retirement benefits or other payments; or retroactive lump-sum insurance settlements; or any money an inmate receives upon release from prison, including earnings from work performed while incarcerated and accumulated over the length of the incarceration.

State and county diversion payments under Colorado Works shall be excluded as a non-recurring lump sum payment if the payment does not cover more than ninety (90) days of expenses and is not expected to occur again in a twelve (12) month period.

Non-recurring lump sum payments shall be counted as resources in the month received, unless specifically excluded from consideration as a resource by other federal laws. Any funds remaining in subsequent months shall be considered a resource.

~~Beginning December 17, 2010, Federal income tax refunds must be disregarded as a resource for twelve (12) months from the date of receipt by the client. These refunds are also excluded as income in the month received.~~

F. G. Loans

1. All loans from private individuals as well as commercial institutions shall not be considered as income, including educational loans.
2. Monies received from a Reverse Annuity Mortgage (RAM) loan program should be treated as a loan and excluded from income. These loans meet the accepted definition of a loan since there is a verifiable agreement to repay with interest.

~~See Section 4.405.1 for information about financial assistance.~~

G. H. In-Kind Benefits

An in-kind benefit is any gain or benefit received by the household that is not in the form of money such as meals, clothing, public housing, or produce from a garden.

~~In-kind payments which would normally be excluded as income but are converted in whole or in part to a direct cash payment under the approval of a federally authorized demonstration project (including demonstration projects created by a waiver of the provisions of federal law) shall be excluded from income.~~

H. I. Vendor Payments

~~Vendor payments are money payments that are not payable directly to a household, but are paid to a third party for a household expense. A payment made on behalf of a household shall be considered a vendor payment whenever a person or organization outside of the household uses its own funds to make a direct~~

payment to either the household's creditors or a person or organization providing a service to the household. Vendor payments are excludable as follows:

1. Such payments include subsidies paid to the households and legally obligated to the landlord, rent or mortgage payments made directly to landlords or mortgagees by the Department of Housing and Urban Development (HUD), or payments by a government agency to a child care institution to provide day care for a household member are also excluded as vendor payments.
2. Monies that are legally obligated and otherwise payable to the household, but which are diverted by the provider of the payment to a third party for household expense, shall be counted as income and not excluded as a vendor payment. The distinction is whether the person or organization making the payment on behalf of a household is using funds that otherwise would need to be paid to the household.
3. Any emergency Public Assistance (PA) or General Assistance (GA) payment that is provided to a third party on behalf of the migrant or seasonal farm worker household, while the household is in the job stream, shall be excluded as income and considered as a vendor payment. These payments would normally be considered as income since the payment is legally obligated to the household.
4. Wages earned by a household member that are garnished or diverted by an employer, and paid to a third party for a household's expenses, such as rent, shall be considered as income. However, if the employer pays a household's rent directly to the landlord in addition to paying the household its regular wages, this rent payment shall be excluded as a vendor payment. In addition, if the employer provides housing to an employee, the value of the housing shall not be counted as income.
5. Assistance provided to a third party on behalf of a household by the state or local program shall be considered money payable directly to the household if the assistance is provided in lieu of:
  - a. A regular benefit payable to the household for living expenses under a program funded under Part A of the Social Security Act; or,
  - b. A benefit payable to the household for housing expenses under a state or local general assistance program or other assistance program comparable to general assistance.
6. Assistance payments made to a third party for medical, child care, or emergency/special assistance would be excluded as a vendor payment. Assistance payments provided by a state or local housing authority would also be excluded as income.
7. Energy assistance payments, other than for the Low-Income Energy Assistance Program (LEAP) or a one-time payment under federal or state law for weatherization or to repair/replace an inoperative furnace or other heating or cooling device, that are made under a state or local program shall be counted as income. The exclusion will still apply if a down payment is made and is followed by a final payment upon completion of work. If a state law prohibits the household from receiving a cash payment under state or local general assistance (or comparable program), the assistance would be excluded. This applies to either an energy assistance payment or other type of payment. Energy assistance payments for an expense paid on behalf of the household under a state law shall be considered an out-of-pocket expense incurred and paid by the household.

Energy assistance payments made under Part A of Title IV of the Social Security Act (42 U.S.C. 601, et seq.) is included as income. The Act does not include any later amendments to or editions of the incorporated material. Copies of the federal laws are available for inspection during normal working hours by contacting: Director, Food Assistance Programs Division, Colorado Department of Human Services, 1575 Sherman Street, Denver, Colorado 80203; or a state publications depository.

8. Vendor payments which would normally be excluded as income but are converted in whole or in part to a direct cash payment under the approval of a federally authorized demonstration project (including demonstration projects created by a waiver of the provisions of federal law) shall be excluded from income.
9. Monies from alimony or a court-ordered child support payment which are required by a court order (or other legally binding agreement) to be paid to a third party rather than to the household shall be excluded from income as a vendor payment, even if the household agrees to the arrangement.
10. Payments in excess of the amount specified in a court order (or other legally binding agreement) which are paid to a third party in addition to a court-ordered vendor payment shall also be treated as a vendor payment.

I. ~~J~~ Reimbursements

1. Reimbursement for past or future expenses, to the extent they do not exceed actual expenses, and do not represent a gain or benefit to the household shall not be considered income.  
  
To be excluded, the reimbursement must be provided specifically and used for an identified expense, other than normal living expenses, and used for the purpose intended. When a reimbursement, including a flat allowance, covers multiple expenses, each expense does not have to be separately identified as long as none of the reimbursement covers normal living expenses. Reimbursements for normal household living expenses such as rent or mortgage, personal clothing, or food eaten at home are a gain or benefit and, therefore, are not exempt.
2. No portion of benefits provided under Title IV-A of the Social Security Act, to the extent such benefit is attributed to an adjustment for work related or child care expenses, except for payment or reimbursement for such expenses made under an education, employment, or training program initiated under such Title after September 18, 1988, shall be considered exempt under this provision.
3. The amount by which a reimbursement exceeds the actual incurred expense shall be counted as income. However, reimbursements shall not be considered to exceed actual expenses unless the provider or the household indicates the amount is excessive.
4. Types of reimbursement for expenses include:
  - c. Reimbursement or flat allowances for job or training related expenses, such as travel, per diem, uniforms, and transportation to and from the job or training site including migrant travel.
  - d. Reimbursements for out of pocket expenses of volunteers incurred in the course of their work.
  - e. Medical or dependent care reimbursements.
  - f. Reimbursements received by households to pay for services provided by Title XX of the Social Security Act.
  - g. Reimbursements made to the household for expenses necessary for participation in an education component under the Employment First program.

J. ~~K~~ Verification

Documentation of exempt income may explain a household's ability to maintain itself. Verification of exempt income is necessary only if the income is questionable. For example, when it is questionable that money received is a loan, a simple statement signed by both parties must be obtained which states that the money is a loan and that a repayment is being made or will be made.

If the household receives payments on a regular basis from the same source but claims that payments are loans, it may be required that the provider of the loan sign an affidavit stating that repayments are being made or will be made in accordance with an established repayment schedule.

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#### 4.405.1 Loans and Reimbursements to Students

All education assistance including grants, scholarships, fellowships, work-study, veteran's educational benefits, and ANY OTHER MONEY RECEIVED SPECIFICALLY FOR EDUCATIONAL EXPENSES ARE others that are awarded to a household member will be exempt from consideration as income.

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#### 4.406 HOUSEHOLDS DESTITUTE OF INCOME

Migrant or seasonal farm worker households may be considered destitute of income upon initial certification or recertification, but only for the first month of each certification period.

A. Migrant or seasonal farm worker households may have little or no income at the time of application even though they receive income at some time during the month of application. Such households will be considered destitute and thereby entitled to expedited application processing (see Section 4.205.1), if their only income is from a terminated and/or new source under the following circumstances:

1. The household's only income for the month of application was received from a terminated source prior to the date of application.
  - a. Income is considered to be from a terminated source if it is normally received on a monthly or more frequent basis and is not expected to be received again from the same source during either the remainder of the month of application or the month following (i.e., migrant work ended with one grower).
  - b. Income that is normally received less often than monthly is considered to be from a terminated source if it is not anticipated to be received during the month in which it would normally be received (i.e., quarterly income not received in the normal third month).
2. The household's only income for the month of application is more than twenty-five dollars (\$25) from a new source and it will not be received by the tenth (10<sup>th</sup>) calendar day after the filing date of an application for initial certification, or by the tenth calendar day after the household's normal issuance cycle if the application is for recertification.
  - a. Income is considered to be from a new source if the income of more than twenty-five dollars (\$25) is normally received on a monthly or more frequent basis but has not been received from that source within thirty (30) calendar days prior to the filing date of application.
  - b. Income is considered to be from a new source if the income of more than twenty-five dollars (\$25) is normally received less often than monthly but was not received within the last normal interval between payments.
3. The household's only income is a combination of that received from a terminated source prior to date of application and income of more than twenty-five dollars (\$25) received in

the month of application from a new source, which will not be received by the tenth (10<sup>th</sup>) calendar day after the date of initial application, or by the tenth (10<sup>th</sup>) calendar day after the household's normal issuance cycle if application is for recertification.

B. A migrant farm worker's source of income shall be considered to be the particular grower, and not the crew chief. A migrant who moves from one grower to another shall be considered to have moved from a terminated source to a new source.

C. There is no limit on the number of times a household can be considered destitute of income provided that before each subsequent expedited certification, the household either has completed the verification requirements that were postponed at the last expedited certification or the household was certified under normal processing standards since the last expedited certification.

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#### 4.407 DEDUCTIONS AND EXCLUSIONS FROM INCOME

A. Allowable deductions are subtracted from total monthly gross income to determine the household's monthly net Food Assistance income. The monthly income shall be rounded down to the lower dollar if it ends in one (1) through forty-nine (49) cents and rounded to the next dollar amount if it ends in fifty (50) through ninety-nine (99) cents before deductions are considered.

Allowable expenses will not be deductible if covered by vendor payments such as HUD, or reimbursements, such as insurance. An expense which is covered by an excluded vendor payment that has been converted to a direct cash payment under a federally authorized demonstration project shall not be deductible.

B. Households may elect to have fluctuating monthly expenses averaged over the certification period. Also, households have the option of having expenses that are billed less often than monthly averaged over the period the expense is intended to cover. Households may elect to have medical expenses averaged as described in Sections 4.407.6 and 4.407.61. Expenses that have been averaged are subject to the reporting requirements contained in Section 4.603.

C. Actual or averaged expenses that result in deductions for medical, dependent care, and shelter costs shall be anticipated. Households who expect changes cannot have their expenses averaged solely on the basis of the last several bills. Expenses that are billed on a weekly or biweekly basis shall be converted to a monthly figure utilizing the conversion outlined in Section 4.402.

D. LEGALLY OBLIGATED CHILD SUPPORT IS CONSIDERED AN INCOME EXCLUSION.

E. The following subsections contain the only deductions allowed from a household's monthly income. The deductions are as follows:



1. Standard deduction
2. Earned income deduction
3. Excess shelter deduction
4. Dependent care deduction
5. ~~Legally obligated child support expense deduction~~
5. ~~6.~~ Excess medical deduction

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**4.407.5 Child Support Expense EXCLUSION ~~Deduction~~**

- A. A household shall receive an EXCLUSION ~~deduction~~ from income for legally binding child support payments made to or for non-household members. The child support EXCLUSION ~~deduction~~ will be made from the household's total countable gross income and prior to any gross income test to determine eligibility. The court-ordered amount and the most recent amounts that have been paid must be verified by the household. Legally obligated child support paid by a household member under the age of eighteen (18) shall be an allowable EXCLUSION ~~deduction~~, even if the income of the child is considered exempt under Section 4.405, C.
- B. If the noncustodial parent makes child support payments to a third party non-household member (e.g., a landlord, utility company, or health insurance organization) in accordance with the support order, the payment shall be included in the child support EXCLUSION ~~deduction~~.
- C. A deduction for amounts paid toward arrearage will be allowed. Alimony payments will not be allowed as an EXCLUSION ~~deduction~~.
- D. Households with a history of three (3) or more months of paying child support shall have the support payments averaged taking into account any anticipated changes in the legal obligation and shall use that average as the household's support EXCLUSION ~~deduction~~.
- E. For households with less than a three (3) month record, the local office shall estimate the anticipated payments and use that estimate as the household's support EXCLUSION ~~deduction~~.
- F. If the household does not report and verify its monthly child support payment or a change in its legal obligation, the child support EXCLUSION ~~deduction~~ shall not be allowed.
- G. ~~Households not certified as simplified reporting are responsible to report during the certification period any change in the legal obligation to pay child support, including termination of the obligation when a child reaches an age at which child support is no longer obligated.~~
- H. ~~All households are required to report a change of twenty-five dollars (\$25) or more in the amount that was allowed for the deduction at the time of recertification or periodic report.~~

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**4.407.6 Excess Medical Deduction**

A household shall receive a deduction for total medical expenses in excess of thirty-five dollars (\$35) per month, incurred by any household member(s) who is elderly or disabled as defined in Section 4.304.44. Other household members who are not elderly or disabled, including spouses and dependents, cannot claim costs of their medical treatment and services.

- A. The following medical costs, less the cost of reimbursements from another source, are allowable:

1. Medical and dental care including psychotherapy and rehabilitation services provided by a licensed practitioner or other qualified health professional.
2. Hospitalization or outpatient treatment, nursing care, and nursing home care including payments by the household for an individual who was a household member immediately prior to entering a hospital or nursing home provided by a facility recognized by the Colorado Department of Public Health and Environment.
3. Prescription drugs when prescribed by a licensed practitioner authorized under state law and other over-the-counter medication (including insulin) when approved by a licensed practitioner or other qualified health professional. Costs of medical supplies, sickroom equipment (including rental), or other prescribed equipment may also be allowable.
4. Health and hospitalization insurance policy premiums, Medicare premiums, and any cost-sharing expenses incurred by medical recipients.
5. Dentures, hearing aids, prosthetics, and eyeglasses prescribed by a physician skilled in eye disease or by an optometrist.
6. Securing and maintaining a service animal, such as a seeing-eye or hearing dog, including cost of food and veterinarian fees. The costs of caring for these animals may be deducted only when the animal has received special training to provide a service to the client.
7. Reasonable transportation and lodging to obtain medical treatment or services. Mileage expenses shall be calculated based on the prevailing Internal Revenue Service (IRS) COMMERCIAL mileage rate.
8. Wages to an attendant, homemaker, home health aide, child care services, or a housekeeper necessary due to age, infirmity, or illness. In addition, an amount equal to the maximum allotment for one (1) person is allowed if the household furnishes the majority of the attendant's meals. The allotment shall be the one in effect at the time of certification with an appropriate adjustment at the next certification.

If attendant care costs qualify under both medical and dependent care deduction, the costs shall be allowed as a medical expense.

In cases when the household claims a deduction for billed medical expenses and the household is unable to verify whether or not any reimbursement will be received, no medical expense deduction shall be allowed until the household either receives reimbursement for all or part of the expense or is able to verify that reimbursement will not be provided. When such reimbursement is received and/or verified, the non-reimbursed portion of the claimed medical expense is allowed.

B. Non-allowable medical costs include, but are not limited to:

1. Special diet expenses;
2. Premiums for health and accident policies, such as those payable in lump sum settlements for death or dismemberment, or policies for income maintenance such as those that continue mortgage or loan payments while the beneficiary is disabled;
3. Medical expenses that are reimbursable by insurance or other public or private sources;
4. Medical marijuana;
5. Vitamins and supplements unless prescribed by a physician; and
6. Medical expenses carried forward from past billing periods unless one of the following conditions is met:

- a. The amount is being carried forward pending reimbursement information; or,
- b. The household has made arrangements to make monthly installments on the past due bills. The past due amount must be due to missed payments under a previous repayment agreement with the medical provider, and the payment plan is now being renegotiated with the provider. The negotiation of a payment plan with a collection agency will not be accepted as a renegotiated payment plan; or,
- c. Households that become categorically eligible for food assistance by reason of becoming a pure SSI household shall be entitled to excess medical expenses for the period for which they are authorized to receive SSI or from the date of the food assistance application, whichever is later. Restored benefits shall be issued if appropriate; or,
- d. Medical expenses that occur after the date an application is filed and reported at the subsequent application for redetermination or periodic report shall be considered if the medical expense has not previously been reported and allowed as a medical deduction. If at recertification the household provides previously unreported medical expenses that occurred prior to the last certification period that are past due, the county department shall review the medical expenses under provisions a through c of this subsection.

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#### 4.408 RESOURCE ELIGIBILITY STANDARDS

- A. The local office shall consider households eligible under either expanded or basic categorical eligibility ~~as outlined in Section 4.206 to have satisfied the resource eligibility criteria of this section. For households eligible under either basic or expanded categorical eligibility, the case shall be documented to show that all household members have been approved for and/or are receiving benefits from the program that confers basic categorical eligibility.~~
- B. Households that do not meet expanded or basic categorical eligibility criteria shall have their nonexempt resources, as anticipated to be available in the issuance month, used to determine household eligibility. ~~See Section 4.409 for what is considered a non-exempt resource.~~  
  
~~For how resources of non-household members and disqualified members are handled, refer to Section 4.411.~~  
  
The resources of a sponsor and spouse considered toward a non-citizen household shall be the sponsor's total resources less two thousand dollars (\$2,000). ~~See Section 4.411.~~
- C. The value of liquid resources, as declared by the household, shall be utilized in the determination of expedited eligibility for all applicant households.
- D. As a result of the Food, Conservation and Energy Act of 2008, adjustments to the Food Assistance resource limit will be subject to change annually according to the Consumer Price Index. There are currently two (2) resource limits:
  - 1. One established for households that do contain a member who is elderly and/or a person with a disability; and,
  - 2. Another established for households that do not contain a member who is elderly and/or a person with a disability.~~An elderly member is a member who is sixty (60) years of age or older. A disabled member is defined in Section 4.304.41.~~
- E. The resource limits are as follows:

Effective October 1, 2017, the resource limit for households that do contain a member who is elderly and/or a person with a disability is three thousand five hundred (\$3,500). The resource limit for households that do not contain a member who is elderly and/or a person with a disability is two thousand two hundred fifty dollars (\$2,250).

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#### 4.408.1 Determining the Value of Resources

The value of nonexempt household resources at the time the application is filed must be determined from applicant statements, documents, and/or from collateral contacts when household assessment is uncertain or questionable. ~~See Section 4.409 for what is considered a non-exempt resource.~~

##### A. Valuation of Liquid Resources

The value of liquid resources is the current redemption rate less encumbrances. ~~For further explanation of liquid and non-liquid resources, see Section 4.409.~~

##### B. Valuation of Non-Liquid Resources

Except for real property, non-exempt non-liquid resources shall have a fair market value as determined from the best source available (such as, but not limited to, blue book, local dealer, or equivalent verifiable Internet web site) less verified encumbrances. If warranted, the eligibility worker should adjust the market value for poor or unusable condition of the property before assigning a resource value. The eligibility worker shall annotate the case record to show source and computation used to determine resource value.

The value of real property, such as buildings, land, or vacation property, unless exempt as income producing ~~in accordance with Section 4.410, E,~~ may be obtained by using the actual value reported by a county assessor or, if not reported, the current assessed valuation, accomplished in accordance with state law, and dividing the value by the appropriate percentage rate of assessment for real property to derive fair market value and subtracting the amount the household currently owes on the property.

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#### 4.408.2 Transfer of Resources

At the time of application, households not eligible under expanded or basic categorical eligibility rules shall be asked to provide information regarding any resources which any household member, ineligible non-citizen, or disqualified person whose resources are being considered available to the household has transferred within the three (3) month period immediately preceding the date of application. Households that have transferred resources knowingly for the purpose of qualifying or attempting to qualify for Food Assistance benefits shall be disqualified from participation in the program for up to one (1) year from the date of discovery of the transfer. This disqualification period shall be applied if the resources are transferred knowingly in the three (3) month period prior to application, or if they are transferred knowingly after the household is determined eligible for benefits.

##### A. Eligibility for the program shall not be affected by the following transfers:

1. Resources that would not otherwise affect eligibility, such as resources consisting of excluded person property such as furniture, or of money that when added to other household resources, totaled less at the time of the transfer than the allowable resource limits.
2. Resources that are sold or traded at, or near, fair market value.
3. Resources that are transferred between members of the same household including ineligible non-citizens or disqualified individuals whose resources are being considered available to the household.

4. Resources that are transferred for reasons other than qualifying or attempting to qualify for Food Assistance benefits, for example a parent placing funds into an educational trust fund described in Section 4.410, F.

B. In the event the local office establishes that an applicant household knowingly transferred resources for the purpose of qualifying or attempting to qualify for Food Assistance benefits, the household shall be sent a notice of denial explaining the reason for and length of disqualification. The period of disqualification shall begin in the month of application. If the household is participating at the time of the discovery of the transfer, a notice of adverse action explaining the reason for and the length of disqualification shall be sent. The period of disqualification shall be made effective with the first allotment to be issued after the notice of adverse action has expired, unless the household has requested a fair hearing and continued benefits.

The length of the disqualification period shall be based on the amount by which nonexempt transferred resources, when added to other countable resources, exceed the allowable resource limits.

C. The following chart shall be used to determine the period of disqualification for transfer of resources.

Amount in Excess of the Resource Limit	Period of Disqualification
\$1 to \$249	1 month
\$250 to \$999	3 months
\$1,000 to \$2,999	6 months
\$3,000 to \$4,999	9 months
\$5,000	12 months

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#### 4.410 EXEMPT RESOURCES

In determining the resources for a household, the following shall be excluded from consideration.

A. Vehicles

All of a household's licensed and unlicensed automobiles, motorcycles and vehicles, including recreational vehicles and seasonal vehicles, shall be totally exempt as a resource.

B. Home and Property

The home and surrounding property, which is not separate from the home by intervening property owned by others, will be an exempt resource. Public rights of way, such as roads that run through the surrounding property and separate it from the home, will not affect the exemption of the property. The home and surrounding property shall remain exempt when temporarily unoccupied for reasons of employment, training for future employment, illness or un-inhabitability caused by casualty or natural disaster, if the household intends to return. The property owned or being purchased by households that currently do not own a home and on which the household intends to build or is building a permanent home shall be exempt.

C. Prorated Income

Monies that have been prorated and considered as income for eligibility purposes will be an exempt resource. Prorated student and self-employment income is exempt as a resource as long as a portion is still being counted as income.

D. Household Goods, Personal Effects, and Retirement Accounts

1. Household goods, personal effects, including one burial plot per household member, the cash value of life insurance policies, and livestock not excluded as income producing property are exempt resources.
2. All retirement accounts with Federal tax preferred retirement status are exempt resources. The following retirement accounts are exempt:
  - a. Pension or traditional defined benefit plan;
  - b. 401(K) plan and simple 401(K);
  - c. 501C (18);
  - d. 403(A) and 403(B) plans;
  - e. 408 plans including traditional individual retirement accounts (Roth IRA, SIMPLE IRA, and myRA), traditional Individual Retirement Annuities
  - f. 457 plan;
  - g. Federal employee thrift savings plan;
  - h. Keogh plan;
  - i. 529A funds including funds in a qualified ABLE program
  - j. Simplified employer plan;
  - k. Profit sharing plan; and,
  - l. Cash balance plans.
3. All tax preferred education accounts are exempt resources. The two types of tax preferred education savings accounts are:
  - a. Section 529 qualified tuition programs, which allow owners to prepay a student's education expenses or to contribute to an account to pay those expenses.
  - b. Coverdell education savings accounts and IRA type of account designed to pay a student's education expense.
4. One bona fide pre-purchased funeral agreement per household member, which may include one burial plot per household member, shall be excluded provided that the agreement does not exceed one thousand five hundred dollars (\$1,500) in equity value; the equity value over one thousand five hundred dollars (\$1,500) is counted as a resource. If a burial plot is included in the agreement, the burial plot portion will be exempted prior to determining the equity value of the funeral agreement.

E. Income-Producing Property, Including Vehicles

1. Any property that is producing an annual income consistent with its fair market value in the community, even if it is used only on a seasonal basis, shall be an exempt resource. Such property includes farm land and rental homes, or work related equipment, such as the tools of a tradesman or the machinery of a farmer, and vehicles which are essential to the employment or self-employment of a household member such as semi-tractor/trailer, boat, motor home, utility trailer, or seasonal or recreation vehicles used for income- producing purposes. Such property also includes livestock.
2. Installment contracts for the sale of land or buildings if the contract or agreement is

producing income consistent with its fair market value shall be an exempt resource. The exclusion shall also apply to the value of the property sold under the installment contract, or held as security in exchange for a purchase price consistent with the fair market value of that property retained by seller.

3. Income-producing vehicles such as, but not limited to, a taxi, tractor, fishing boat, a vehicle used for deliveries, motor home, snowmobile, or camper is an exempt resource if it annually produces income consistent with its fair market value, even if only used on a seasonal basis. The exemption will apply when the vehicle is not in use because of temporary unemployment. This exemption also applies to ineligible non-citizens or disqualified persons whose resources are being considered available to the household.
4. Property essential to the self-employment of a household member engaged in farming (including land, machinery, equipment and supplies) shall be excluded for one (1) year from the date the household member terminates his or her self-employment from farming.

F. Inaccessible Resources

1. Resources having a cash value which is not accessible to the household include, but are not limited to, irrevocable trust funds, property in probate, or property prohibited from sale by a creditor holding a lien, and real property which the household is making a good faith effort to sell at a reasonable price and which has not been sold. In such cases, the local office shall establish that the property is for sale and that the household will accept a reasonable offer.
2. Non-exempt, non-liquid resource, as defined in Section 4.408.1, B, that would have a net return of one thousand five hundred dollars (\$1,500) or less if sold, shall be considered an inaccessible resource. The equity value shall be used to determine this amount. The equity value is fair market value less verified encumbrances (amount owed).
3. Any funds in a trust or transferred to a trust, and the income produced by that trust shall be considered inaccessible to the household if:
  - a. The trust arrangement will not likely cease during the certification period, and no household member has the power to revoke the trust arrangement or change the name of the beneficiary during the certification period.
  - b. The trustee administering the funds is either a court, an institution, corporation or organization which is not under the direction or leadership of any household member; or an individual appointed by the court who has court imposed limitation placed on his/her use of funds which meet requirements of this section.
  - c. The trust investments made on behalf of the trust do not directly involve or assist any business or corporation under the control, direction, or influence of a household member.
  - d. The funds held in irrevocable trust are either established from household's own funds and are used solely to make investments on behalf of the trust or to pay educational or medical expenses of persons named by the household creating the trust; or established from non-household funds by a non-household member.
  - e. Monies which are withdrawn from trust and dividends that are or could be received by the household shall be considered as income (~~see Section 4.404, I~~).

G. Resources with No Significant Return

Resources that, as a practical matter, the household is unlikely to be able to sell for any significant return because the household's interest is relatively slight or because the cost of selling the household's interest would be relatively great, shall be considered inaccessible. A resource shall be so identified if its sale or other disposition is unlikely to produce any significant amount of funds for the support of the household. Verification of the value of a resource to be excluded shall not be required

unless the Food Assistance worker determines that the information provided by the household is insufficient to permit a determination of the resource value or the worker believes that the information is questionable.

This provision regarding no significant return does not apply to negotiable financial instruments. A significant return or a significant amount of funds shall be any return/funds after estimated costs of sale or disposition and taking into account the ownership interest of the household. A significant return or a significant amount of funds is an amount that is estimated to be more than one thousand five hundred dollars (\$1,500).

#### H. Resources of Battered Women in Shelters

Residents of shelters for battered women and children may not have been able to retain access to all the resources of their former household. Therefore, in cases where access to a resource, such as jointly held bank accounts requiring both signatures, vehicles and property, is dependent upon the agreement of a person who still resides in the household where the woman was abused, the resource shall be considered inaccessible to the applicant.

#### I. Resources Used by Household Members

Where an exclusion applies because of use of a resource by or for a household member, the exclusion shall also apply when the resource is being used by or for an ineligible non-citizen or disqualified person whose resources are being counted as part of the household's resources.

#### J. Government Payments

The following government payments are received for a specific purpose or services and shall be excluded as a resource for Food Assistance eligibility.

1. P.L. No. 89-642. Section 11b) of the Child Nutrition Act of 1966 excludes the value of assistance to children under this Act from resources for Food Assistance purposes.
2. Payments received from the youth incentive entitlement pilot projects, the youth community conservation and improvement projects, and the youth employment and training programs under Youth Employment and Demonstration Act of 1977 (P.L. No. 95-93) and extended under Title IV of the Comprehensive Employment and Training Amendments of 1978 (P.L. No. 95-524). (Note: Does not include other payments under the Comprehensive Employment and Training Act (CETA) or payments under the Youth Adults Conservation Corps.)
3. Any governmental payments which are designated for the restoration of a home damaged in a disaster, if the household is subject to a legal sanction if the funds are not used as intended: for example, payments made by the Department of Housing and Urban Development through the individual and family grant program or disaster loans or grants made by the Small Business Administration, Section 312(d) of Disaster Relief Act of 1974.

The Disaster Relief Act of 1974. P.L. No 93-288 as amended by P.L. No. 100-707, Section 105(i). the Disaster Relief and Emergency Assistance Amendments of 1988, 11/23/88. Payments precipitated by an emergency or major disaster as defined in this Act, as amended, are not counted as income or resources for Food Assistance purposes. This exclusion applies to Federal assistance provided to persons directly affected and to comparable disaster assistance provided by states, local governments, and disaster assistance organizations.

4. Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 (P.L. No. 91-646. section 216).
5. Benefits received from the special supplemental food program for women, infants and children (WIC) (P.L. No. 92-443). This payment is excluded as an in-kind benefit.



6. Payments or allowances made under any federal laws for the purpose of energy assistance, other than Part A of Title IV of the Social Security Act (42 U.S.C. 601, et seq.), or a one-time payment or allowance made under federal or state law for the cost of weatherization or emergency repair or replacement of an unsafe or inoperative furnace or other heating or cooling device is exempt as a resource.
7. HUD rental refund payments, made pursuant to settlement of Underwood v. Harris, are excluded in the month received and the following month.
8. Mandatory deductions from military pay for educational purposes while the participant is enlisted.  
  
(P.L. No. 99-576, Veterans' Benefits Improvement and Health-Care Authorization Act of 1986, Section 303(a) (1), 8/7/86.) Section 216 of P.L. No. 99-576 authorizes stipends for participation in study of Vietnam-Era veterans' psychological problems that are not excluded from income.
9. Payments to U.S. citizens of Japanese ancestry and resident Japanese non-citizens for up to twenty thousand dollars (\$20,000) each and payments to certain eligible Aleuts of up to twelve thousand dollars (\$12,000) each. P.L. No. 100-383. Section 105(f) (2) Civil Liberties Act of 1988.
10. P.L. No. 100-435, Section 501, 9/19/88, amended Child Nutrition Act to allow under WIC demonstration projects, benefits that may be exchanged for food at farmers' markets.
11. Payments made from the Agent Orange Settlement Fund (P.L. No. 101-201). All payments from the Agent Orange Settlement fund or any other fund established pursuant to the settlement in the Agent Orange product liability litigation are excluded from resources retroactive to January 1, 1989.  
  
The disabled veteran will receive yearly payments. Survivors of deceased disabled veterans will receive a lump-sum payment. These payments were disbursed by the AETNA insurance company.
12. A federal earned income tax credit received either as a lump sum or as payments under Section 3507 or the Internal Revenue code for the month of receipt and the following month for the individual and that individual's spouse (P.L. No. 101-508).  
  
A federal, state, or local Earned Income Tax Credit (EITC) would be exempted for twelve (12) months from receipt for any household member if the individual receiving the EITC was participating in the Food Assistance Program when the EITC was received and participation continues for twelve (12) months. Temporary non-participation due to administrative reasons, such as a delayed recertification, shall not affect the twelfth (12th) month participation requirement (P.L. No. 103-66, Mickey Leland Childhood Hunger Relief Act of 1993).
13. Any money received from the Radiation Exposure Compensation Trust Fund, pursuant to P.L. No. 101-426 as amended by P.L. No. 101-510.
14. P.L. No. 103-286. Section 1(a), 8/1/94, Section 1(a), provides in part that payments made to individuals because of their status as victims of Nazi persecution shall be disregarded in determining eligibility for and the amount of benefits or services to be provided under any federal or federally assisted program which provides benefits or services based, in whole or in part, on need.
15. P.L. No. 103-322. Section 230202, 9/13/94. Amendments to Section 1403 of the Crime Act of 1984 (42 U.S.C. 10602) provide in part that, notwithstanding any other law, if the compensation paid by an eligible crime victim compensation program would cover costs that a federal program or a federally financed state or local program would otherwise pay:

- a. Such crime victim compensation program shall not pay that compensation;
- b. The other program shall make its payments without regard to the existence of the crime victim compensation program.

Based on this language, payments received under this program must be excluded from income for Food Assistance purposes.

- 16. P.L. No. 104-204. 9/25/96, requires that allowances paid under this law to children of Vietnam veterans who were born with spina bifida be excluded from resources.
- 17. P.L. No. 111-312, 12/17/10, and The American Taxpayer Relief Act of 2012 requires that Federal income tax refunds received beginning January 1, 2010 must be disregarded as a resource for twelve (12) months from the date of receipt by the client.

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#### 4.411.1 Treatment of Income and Resources of Disqualified and/or Sanctioned Members

A. Individual household members may be disqualified for being ineligible non-citizens, for failure or refusal to obtain or provide a Social Security Number (SSN), for intentional Program violation/fraud, for being a fleeing felon, for failing to comply with a work requirement, or for being a sanctioned ABAWD (Able Bodied Adult Without Dependents) who has received three (3) months of Food Assistance benefits within a thirty-six (36) month period.

B. During the period of time a household member is disqualified, the eligibility and benefit level of any remaining members shall be determined as follows:

1. Households containing members disqualified for Intentional Program Violation or fraud, or a work requirement sanction, or classified as a fleeing felon:

a. Income, Resources, and Deductible Expenses

The income and resources of the disqualified household member(s) shall be counted in their entirety. Resources shall only be considered if the household is required to meet the resource standard as specified in Section 4.408. The allowable earned income, standard, medical, dependent care, and shelter deductions shall be allowed in their entirety.

b. Eligibility and Benefit Level

The disqualified member shall not be included when determining the household's size for purposes of assigning a benefit level to the household. The disqualified household member will not be included when determining the household size for comparison against any eligibility standard, which includes the gross income and net income eligibility limits or the resource eligibility limits.

~~See Section 4.401.1 for the gross income eligibility limits, Section 4.401.2 for the net income eligibility limits, and Section 4.408 for the resource eligibility limits.~~

2. Households containing members disqualified for being an ineligible non-citizen, for failure or refusal to obtain or provide a Social Security Number (SSN), or sanctioned as an able bodied adult without dependents (ABAWD) who has received three (3) months of Food Assistance benefits in a thirty six (36) month period:

a. Resources

The resources of the disqualified and/or sanctioned member(s) shall be counted in their entirety to the remaining household members if the household is required to meet the resource standard as specified in Section 4.408.

b. Income

A pro rata share of the nonexempt income of the disqualified and/or sanctioned member(s) shall be counted as income to the remaining members. This pro rata share is calculated by dividing the income evenly among the household members, including, the disqualified member. All but the disqualified member's share is counted as income to the remaining household members.

If an ineligible non-citizen is also an ineligible student and purchases and prepares food with the household, the individual's income shall be prorated under the ineligible non-citizen provisions.

c. Deductible Expenses

The earned income deduction shall apply to the prorated income earned by the disqualified and/or sanctioned member that is attributed to the household. That portion of the household's allowable shelter and dependent care expenses which are either paid by or billed to the disqualified member shall be divided evenly among the household members, including the disqualified member. Legally obligated child support payments are deducted before prorating income. The shelter expense will be prorated except for the standard utility allowance (SUA). The full SUA will be added to the other prorated shelter components if the household qualifies for the SUA. All but the disqualified member's share is counted as a deductible expense for the remaining household members.

d. Eligibility and Benefit Level

The disqualified and/or sanctioned member shall not be included when determining the household's size for purposes of assigning a benefit level to the household. The disqualified or sanctioned household member will not be included when determining the household size for comparison against any eligibility standard, which includes the gross income, the net income eligibility limits, or the resource eligibility limits.

~~See Section 4.401.1 for the gross income eligibility limits, Section 4.401.2 for the net income eligibility limits, and Section 4.408 for the resource eligibility limits.~~

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**4.500 VERIFICATION AND DOCUMENTATION**

A. Verification is the use of documentary evidence or a contact with a third party to confirm information and to establish the accuracy of statements PROVIDED BY THE HOUSEHOLD ~~on the application form, redetermination form, periodic report form, change report form, or information presented during the interview.~~

B. The case record shall consist of statements and documentation regarding the sources and results of verification used to determine a household's eligibility. Such statements must be sufficiently detailed to support the determination of eligibility or ineligibility and to permit a reviewer to determine the reasonableness of the eligibility worker's determination. When making a decision of ineligibility, the case record must clearly indicate the reason for denial or termination and the verification used in making the decision. If information is considered questionable or if an alternate source of verification was requested, the reason for additional verification shall be documented in the case record.

The case record shall also contain all correspondence pertaining to fair hearings and administrative disqualification hearings.

Information to retain in the case record for fair hearings shall include, at a minimum, the household's request for a fair hearing, the scheduling notice with the hearing date and time, all decisions pertaining to the fair hearing, and any exceptions filed by the county department or the household.

Information to retain in the case record for administrative disqualification hearings (ADH) shall include, at a minimum, the notice to the individual of the alleged intentional program violation (IPV)/fraud, any notice given to the household waiving the household's right to a disqualification hearing, the scheduling notice of the disqualification hearing if the waiver is not signed and returned, all decisions issued regarding the outcome of the ADH hearing, and the disqualification notice sent to the household notifying the individual of the disqualification period.

- C. The local office shall provide each household at the time of application for initial certification, redetermination, and periodic report form with a notice that informs the household of verification requirements that the household must meet as part of the application, redetermination, or periodic report process. The notice will inform the household that the local office will assist the household in obtaining verification, provided the household is cooperating with the office. The notice shall be written in clear and simple language and shall meet bilingual requirements.
- D. The household has the primary responsibility for providing documentary evidence for required verification and to resolve questionable information. The local office shall assist the household to obtain the necessary documentation provided the household is cooperating with the local office.
- E. The household shall also be determined ineligible if it refused to cooperate in any subsequent review of its eligibility, including reviews generated by reported changes, recertifications, or as part of a quality control review in accordance with Section 4.903.42.

~~Detailed information regarding the verification of individual eligibility criteria will be found in the appropriate section below.~~

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#### 4.501 PRUDENT PERSON PRINCIPLE

The rules contained herein are intended to be sufficiently flexible to allow the eligibility worker to exercise reasonable judgment in executing his/her responsibilities.

In this regard, the prudent person principle may be applied. The term prudent person principle refers to reasonable judgments made by an individual in a given case. In making an eligibility decision, the eligibility worker should consider whether his/her judgment is reasonable, based on experience and knowledge of the program. ~~The eligibility worker is also responsible for exercising reasonable judgment in determining if a given number of individuals applying for Food Assistance fit the Program's definition of a household, as defined in Section 4.100.~~

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#### 4.502 VERIFICATION REQUIREMENTS AT APPLICATION, REDETERMINATION, AND PERIODIC REPORT

##### A. Verification Requirements at Application

##### 1. Expedited Service Requirements

Only verification of the identity of the applicant is required. When an authorized representative applies on behalf of a household, the identity of both the authorized representative and the head of household shall be verified. No requirement for a specific document may be imposed. Client declaration of Social Security Number(s) and residency shall be accepted.

Client declaration of other household circumstances shall be accepted when determining eligibility for expedited service, and verification of any client-declared information shall be

postponed in accordance with Section 4.205.11, B, and verified prior to certification as outlined below. See also Section 4.205.1

2. The following information shall be verified prior to certification:
  - a. Identity of the applicant;
  - b. Household's gross nonexempt income;
  - c. Information available through IEVS, including Social Security Numbers (SSNs) for all household members;
  - d. Non-citizen status of persons identified as non-citizens on the application;
  - e. Residency, except for homeless households, or households newly arrived in the state or county for whom third-party verification cannot reasonably be obtained.
3. The household shall be given a reasonable opportunity to submit verification of certain expenses in order to receive expense deductions AND EXCLUSIONS. If a deductible expense must be verified and obtaining verification may delay the household's certification, the local office shall advise the household that the household's eligibility and benefit level will be determined without providing a deduction OR EXCLUSION for the claimed but unverified expense. If the expense cannot be verified within thirty (30) calendar days of the date of application, the local office shall determine the household's eligibility and benefit level without providing a deduction OR EXCLUSION for the unverified expense.
  - a. Allowable medical expenses less reimbursement;
  - b. Legally-obligated child support payments;
  - c. Dependent care expenses; and,
4. For households eligible under basic or expanded categorical eligibility rules, verification of resources, gross and net income, SSN information, sponsored non-citizen information, and residency beyond that gathered by the public assistance program that confers eligibility shall not be required unless these eligibility factors are not already collected and verified by the other program, are considered questionable, or are unavailable to the Food Assistance Program. The local office shall verify that each member receives benefits or services from the program that confers basic or expanded categorical eligibility.
5. For households subject to an asset test, the household's written declaration of resources in excess of the resource limit is an acceptable form of verification. Verification Requirements at Redetermination and Periodic Report

#### B. Verification Requirements at Redetermination and Periodic Report

1. Eligibility factors not verified by the Income and Eligibility Verification System (IEVS) should be verified at redetermination only if they are incomplete, inaccurate, questionable, inconsistent, or outdated and would affect a household's eligibility or benefit level. Unchanged information shall not be verified unless the information is outdated.
2. A change in total monthly earned income of one hundred dollars (\$100) or more for each member must be verified at redetermination.
3. At redetermination, all households shall verify the following information if the source has changed or the amount has changed by more than twenty-five dollars (\$25) since the last time they were verified:
  - a. Changes in unearned income;

- b. Allowable medical expenses ~~SEE SECTION 4.407.61(B)~~;
  - c. Legally-obligated child support;
  - d. Dependent care expenses;
  - e. Verification of the above factors, is optional if information is unchanged or changes by twenty five dollars (\$25) or less.
4. A reported Social Security Number(s) not verified at initial certification and newly obtained Social Security Numbers shall be verified through the IEVS OR SOLQ-I.
  5. For households subject to an asset test, the household's written declaration of resources in excess of the resource limit is an acceptable form of verification.
  6. If there has been a change in a deductible expense that must be verified and obtaining verification delays the household's redetermination processing, the local office shall advise the household that the household's eligibility and benefit level will be determined without providing a deduction for the claimed but unverified expense.

~~C. Verification Requirements of Reported Changes~~

~~For the verification requirements for reported changes, see Section 4.604.1.~~

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4.504 SOURCES OF VERIFICATION

The local office shall accept any pertinent documentary evidence provided by the household and shall be primarily concerned with how adequately the verification proves the statements on the application, redetermination, periodic report form, or change report form. If written verification cannot be obtained, the eligibility worker shall substitute an acceptable collateral contact ~~or a scheduled home visit. Home visits shall be used as verification only if documentation cannot be obtained and the visit is scheduled in advance with the household. Home visits are to be used on a case-by-case basis where the supplied documentation or verification is insufficient.~~

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4.504.6 Information Considered Verified Upon Receipt

- A. Verified upon receipt is a term given to a state-prescribed list of specific information that comes directly from the primary source of the information and is free from question.
- B. Information that is considered verified upon receipt shall be acted upon for both simplified reporting households and non-simplified reporting households. Information considered verified upon receipt shall be acted on at the time of application, recertification, periodic report, and during a household's certification period if the information causes a change in the Food Assistance benefit amount. A household shall not be convicted of fraud for not reporting a change in information it is not required to report ~~in accordance with Section 4.603.~~
- C. Information considered verified upon receipt shall be considered verified unless the office has reason to believe that the information may be inaccurate. Advance notice of adverse action shall be given when acting on information that is considered verified upon receipt, except as noted in Section 4.608.1.
- ~~D. Administrative Error Claims may be established as a result of information considered verified upon receipt.~~
- D. ~~E.~~ The local office shall consider only the following information as verified upon receipt:
  1. Social Security and SSI benefit amounts obtained from SSA.

SSI and benefit amounts obtained from the SSA are considered reported and verified on the day the information is first known to the agency, either through the IEVS, SDX, BENDEX or another automated interface of information, whichever is sooner.

2. Death information received from the Burial Assistance program.

Death information received from the Burial Assistance program is considered reported and verified on the day the information is first known to the agency.

3. Unemployment insurance benefits that are reported through the IEVS and obtained through the Department of Labor and Employment (DOLE).

The unemployment insurance benefit (UIB) information shall be considered reported and verified on the date of the IEVS notification. Advance notice of adverse action shall be given when acting on the change in information.

4. Public Assistance (PA) benefit amounts (Colorado Works, Aid to the Needy Disabled (AND), Old Age Pension (OAP), Aid to the Blind (AB), and Colorado Supplement to SSI) obtained from the State Department.

Such information shall be considered reported and verified on the day the public assistance benefit amount is authorized.

5. Information that is reported and verified to a public assistance program which results in a change to the PA benefit amount and that meets the Food Assistance regulations for verification ~~as specified in Section 4.500.~~

Such information shall be considered reported and verified on the day the public assistance program processes the change and authorizes the new PA benefit amount.

6. Child support income and expense amounts obtained through the Automated Child Support Enforcement System (ACSES).

Such information is considered reported and verified on the day the information is reported through an automated interface with ACSES.

7. Non-compliance information obtained from Employment First (EF) agencies for failure to participate in a mandated work program.

8. Colorado intentional Program violations (IPV).

9. Information obtained from the Systematic Alien Verification for Entitlements (SAVE) system regarding non-citizen status.

10. Changes in household composition that are reported and verified and result in one or more members being removed from one Food Assistance household and added to a new or existing Food Assistance household. ~~See Section 4.304.2 for situations that involve two households requesting assistance for the same child. Adults may be removed from the household based on self-declaration, per Section 4.604, D-~~

Duplicate benefits shall not be issued for a particular individual when removing that individual from one Food Assistance household and adding him/her to a new Food Assistance household.

11. Changes in household composition that are reported and verified by child welfare agencies and result in a child being removed from one Food Assistance household and added to a new or existing Food Assistance household.

12. The disqualification of a household member determined to be a fleeing felon or probation or parole violator ~~in accordance with Section 4.304.4.~~

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#### 4.504.61 Information Not Considered Verified Upon Receipt

- A. Some information received from sources other than the household are not considered verified. Such information shall be subject to independent verification prior to taking adverse action to reduce, suspend, terminate, or deny a household's Food Assistance benefits during the certification period. ~~Such information, once independently verified, shall be acted upon in accordance with Section 4.604.~~
- B. The following sources of information shall not be considered as verified upon receipt:
  1. Death information received from a source other than the Burial Assistance program.
  2. Veterans Assistance (VA) benefit amounts obtained through the IEVS.
  3. Wage data obtained through the IEVS and the DOLE.
  4. IRS income and asset information obtained through the IEVS.
  5. Information regarding railroad retirement benefits obtained through the ievs.
  6. Information received from the Public Assistance Reporting and Information System (PARIS).
  7. Prisoner information received during the certification period.
  8. Information received from the National Database of New Hires (NDNH).
  9. Social Security benefit amounts reported via an award letter given by the household.
  10. IPV/disqualification data from another state as reported through the disqualified recipient database.

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#### 4.505.2 Verification of Social Security Numbers

- A. All Social Security Numbers (SSNs) provided by the household, including multiple SSNs issued by the SSA, shall be verified through the SSA in accordance with the Income and Eligibility Verification System (IEVS) procedures established by the State Department. SOLQ may be utilized to verify a SSN. Certification of an otherwise eligible household member shall not be delayed to verify the SSN provided by the client. Household members who provide a SSN shall not be denied benefits for failure or inability to present a social security card or other official documentation. Eligibility determinations and benefits will not be delayed to otherwise eligible households while awaiting a response from the IEVS. For basic categorically eligible participants, the local office shall accept SSNs as verified by the categorically eligible programs.
- B. When the local office receives notification through the IEVS that a participant's SSN cannot be verified or is otherwise discrepant, such as the name or number does not match SSA records, the local office shall:
  1. Conduct a case record review to confirm that the SSN in the case record matches the SSN submitted to the SSA for verification. If an error occurred in the original submittal, such as digits transposed or an incorrect name submitted, the local office shall correct the error and the SSN will be resubmitted through the IEVS for verification.



2. If no error is identified as outlined in 1, above, the local office shall advise the household in writing that a member's SSN could not be verified and instruct the household to contact the local office to resolve the discrepancy. This notice shall not constitute advance notice of adverse action.
3. The local office shall make every effort to assist the household in resolving the discrepancy, including referral to the appropriate SSA office and assisting the household in obtaining documents available to the local office which may be required by the SSA.
4. Should the household or participant fail or refuse to cooperate in resolving the discrepancy, the individual WHOSE ~~who's~~ SSN cannot be verified may be disqualified as having failed to provide an SSN until such time as the household/participant cooperates, unless good cause exists. Disqualification shall be effective the month following the expiration of the notice of adverse action.

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#### 4.505.51 Verification of Questionable Citizenship

- A. The following guidelines shall be used in considering whether or not an applicant's statement of citizenship is questionable:
  1. The claim of citizenship is inconsistent with statements made by the applicant, ~~or with other information on the application, recertification, periodic report form, change report form, or on previous applications.~~
  2. The claim of citizenship is inconsistent with information received from another source.
- B. Application of the above criteria by the eligibility worker must not result in discrimination based on race, religion, ethnic background or national origin, and groups such as migrant farm workers or American Indians shall not be targeted for special verification. The eligibility worker shall not rely on a surname, accent or appearance that seems foreign to find a claim to citizenship questionable. Nor shall the eligibility worker rely on a lack of English speaking, reading or writing ability as grounds to question a claim to citizenship.
- C. The member whose citizenship is in question shall be ineligible to participate until proof of citizenship is obtained, except as provided in Section 4.505.6, E. Until proof of citizenship is obtained, the member whose citizenship is in question shall have his or her income, less a prorated share, and all of his or her resources considered available to any remaining household members ~~as set forth in Section 4.411.~~
- D. The method used to document verification of citizenship and the result of the verification shall be included in the case record.

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#### 4.505.6 Verification of Non-citizen Status

- A. All applicants for Food Assistance benefits shall be notified on the application form that the non-citizen status of any household member will be subject to verification by the U.S. Citizenship and Immigration Service (USCIS) through the submission of information from the application to the USCIS. The information received from the USCIS may affect the household's eligibility and level of benefits. The application shall contain a statement signed by an adult representative from each household which attests, under penalty of perjury, to citizenship or non-citizen status of each member.
- B. The local office shall verify the eligibility status of applicant non-citizens by submitting the non-citizen registration number through the save system. The office shall use the information from USCIS save to determine eligibility for benefits. The use of SAVE shall be documented in the case record. If a non-citizen does not wish the office to verify his or her immigration status, the local office shall give the household the option of withdrawing its application or participating without that member.

- C. The USCIS Systematic Alien Verification for Entitlement (SAVE) system will verify the alien status of applicant non-citizens. The use of SAVE shall be documented in the case record. The record will contain the date that the primary or secondary request was submitted, along with a copy of the Form G-845 when applicable, and any response to the request for verification.
1. If the non-citizen status is not verified in the primary SAVE verification process, a USCIS Form G-845 will be submitted with a photocopy of the non-citizen's document to the Colorado Refugee Service Program (CRSP).
  2. If the proper USCIS documentation is not available, the non-citizen may state the reason and submit other conclusive verification. The local office shall accept other forms of documentation or corroboration from the USCIS that the non-citizen is classified pursuant to Section 207, Section 208, or Section 243(h) of the Immigration and Nationality Act, or other conclusive evidence such as a court order stating that deportation has been withheld pursuant to Section 243(h) of the Immigration and Nationality Act, which is codified throughout Title 8 of the United States Code. The federal references do not include any later amendments to or editions of the incorporated material. Copies of the federal laws are available for inspection during normal working hours by contacting: Director, Food Assistance Programs Division, Colorado Department of Human Services, 1575 Sherman Street, Denver, Colorado 80203; or a state publications depository.
- D. If a non-citizen is unable to provide any USCIS document, such as an INS form I-94, the local office has no authority or responsibility to contact the USCIS.
- E. The local office shall provide an applicant non-citizen up to the thirtieth (30<sup>th</sup>) calendar day following the date of application to submit acceptable documentation of their non-citizen status or at least ten (10) calendar days from the date of the local office's request for an acceptable document.
- F. A non-citizen who has been given a reasonable opportunity to submit acceptable documentation and has not done so within the normal processing time shall not be certified for benefits until acceptable documentation is available, except as provided below. However, when the local office fails to provide a non-citizen applicant with a reasonable opportunity as of the thirtieth (30<sup>th</sup>) calendar day following the date of application, the local office must provide the household with benefits back to the date of application, provided the household is otherwise eligible. A non-citizen is ineligible to participate until acceptable documentation is provided, except as provided below:
1. The local office has submitted a copy of a document provided by the household to the USCIS or other federal agency for verification that bears on the individual's eligible alien status. In such instances, the local office must certify the individual for up to six (6) months from the date of the original request for verification pending the results of the investigation. Pending such verification, the individual's benefits will not be delayed, denied, reduced or terminated based on the individual's immigration status while awaiting a response to the request for verification.
  2. The local office has submitted a request to the SSA for information regarding the number of quarters of work that can be credited to the individual; or SSA has responded that the individual has fewer than forty (40) quarters, and the individual provides documentation from the SSA that the SSA is conducting an investigation to determine if more quarters can be credited. If the SSA indicated that the number of qualifying quarters that can be credited is under investigation, the local office shall certify the individual, pending the results of the investigation, for up to six (6) months from the date of the original determination of insufficient quarters.
- G. If the office determines that the documentation presented by the household is questionable or the documents that are used to determine eligibility are not issued by the USCIS, the office will use a secondary SAVE process. The secondary verification process will also be used when primary verification is not available through SAVE.

The secondary verification process will consist of submitting a photocopy of the documentary evidence presented, with form G-845, to the U.S. Citizenship and Immigration Service.

- H. If the local office determines, after complying with the requirements of this section, that the non-citizen is not in an eligible alien status, the office shall take action, including sending proper notices to the household, to terminate, deny or reduce benefits. The household will have the opportunity to request a fair hearing prior to any adverse action taking effect, pursuant to Section 4.802, et seq.
- I. If verification of eligible non-citizen status as required by Section 4.505.51 is not provided on a timely basis, the household has the option of withdrawing its application or requesting that the eligibility of the remaining household members be determined. The income and resources of the individual whose non-citizen status is unverified shall be treated in the same manner as set forth in Section 4.411 and considered available in determining the eligibility of the remaining household members. If verification of eligible non-citizen status is subsequently received the local office shall act on the information as a reported change in household membership in accordance with timeliness standards. The non-citizen shall not be entitled to retroactive benefits.
- J. When any person in a household indicates inability or unwillingness to provide documentary evidence of non-citizen status, either for himself or any other household member, the household has the option of withdrawing its application or participating with the member in question classified as an ineligible non-citizen. In such cases the local office shall not continue efforts to obtain that documentary evidence.

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~~4.505.61~~ ——— USCIS Documentation of Lawful Non-citizen Status

~~Non-citizens lawfully present in the United States will normally possess one of the following documents provided by the U.S. Citizenship and Immigration Service (USCIS). Possession of one of the following documents does not exempt a non-citizen from meeting the requirements set forth in Section 4.305.~~

A. ——— I-94 Arrival/Departure Record

- 1. ——— ~~The local office shall accept the INS form I-94 as verification of non-citizen status. If the INS form I-94 does not bear any of the section annotations and the non-citizen has no other verification of non-citizen classification, the local office shall advise the non-citizen to obtain documentation from USCIS verifying the individual's non-citizen classification.~~
- 2. ——— ~~If the form is annotated with Sections 207, 208, 243(h), 241(b)(3), 501(e), or 584 of the Immigration and Nationality Act or if the form is annotated with any of the following terms or a combination of the following terms, refugee, parolee, paroled or asylum, the non-citizen is considered to be in a qualified alien status and eligible for Food Assistance in accordance with Section 4.305, B, 1. The section number normally appears on the front of an I-94, but may occasionally be found on the reverse.~~
- 3. ——— ~~The non-citizen shall also be advised at the eligibility interview that classification under Sections 207, 208, 243(h), 241(b)(3), 501(e) or 584 of the Immigration and Nationality Act shall result in eligible status for the period of seven years; that the non-citizen may be eligible if acceptable verification is obtained; and that the non-citizen may contact INS as stated previously, or otherwise obtain the necessary verification or, if the non-citizen wishes and signs a written consent, that the local office will contact the USCIS to obtain clarification of the non-citizen's status. If the non-citizen does not wish to contact the USCIS, the household shall be given the option of withdrawing its application or participating without that member.~~

B. ——— Resident Non-citizen Card (I-551)

~~These are normally referred to as green cards. This card is usually valid indefinitely if issued before July 1990 but may contain an expiration date on the reverse side if issued to a conditional non-citizen. These cards are issued to lawful permanent resident non-citizens and contain a photograph of the non-citizen. A Resident Non-Citizen Card (I-551) issued after July 1990 is good for a period of ten (10) years.~~

C. ~~Employment Authorization Card (I-688B)~~

~~One of several USCIS documents that indicate a non-citizen has been granted permission to work. Codes on the card indicate the person's immigration status. On the front of the card will be "274a" followed by other numbers and letters that refer to the section of the regulation authorizing employment. Section (a)(3) identifies refugees under Section 207, (a)(5) identifies asylees under Section 208, and (a)(10) identifies withholding of deportation under 243(h).~~

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**4.505.7** Verification of Non-citizen Sponsorship

A. The local office shall verify the following information at the time of initial application and recertification:

1. The income and resources of the non-citizen's sponsor and the sponsor's spouse (if living with the sponsor) at the time of the non-citizen's application for Food Assistance.
2. The names and alien registration numbers of other non-citizens for whom the sponsor has signed an affidavit of support or similar agreement. ~~The sponsor's income and resources shall be divided by the number of non-citizens he or she sponsors in accordance with Section 4.305.4, E.~~
3. The number of dependents who are claimed or who could be claimed for federal income tax purposes of the sponsor and the sponsor's spouse.
4. The name, address, and phone number of the non-citizen's sponsor.

B. Until the non-citizen provides information or verification necessary to determine eligibility, the sponsored non-citizen shall be ineligible. When such verification is provided, the local office shall act on the information as a reported change in household circumstances.

C. The eligibility of any remaining household members shall be determined. The income and resources of the ineligible non-citizen, excluding the attributed income and resources of the non-citizen's sponsor and sponsor's spouse, shall be ~~treated in the same manner as a disqualified member as set forth in Section 4.411 and~~ considered available in determining the eligibility and benefit level of the remaining household members.

If the sponsored non-citizen refuses to cooperate in providing and/or verifying needed information, other adult members of the non-citizen's household shall be responsible for providing and/or verifying the information. If the information or verification is subsequently received, the local office shall act on the information as a reported change. If the same sponsor is responsible for the entire household, the entire household is ineligible until such time as the needed information is verified. The local office must assist the non-citizen in obtaining verification provided the household is cooperating with the local office.

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**4.506 VERIFICATION OF INCOME**

Monthly, gross nonexempt income shall be verified prior to initial certification, unless the household is entitled to expedited service and postponed verification for one month. Income is also verified at redetermination and periodic report when a household reports that the amount of income has changed more than twenty-five dollars (\$25) or the source of income has changed.

~~Refer to Section 4.504 for additional forms of acceptable income verification.~~

A. Responsibility

1. Applicants are primarily responsible for furnishing income verification documents, a collateral contact, or the authorization needed to secure sufficient information to allow written or verbal verification by the eligibility worker. For public assistance (PA) recipients, the PA case record will normally be used as the source of verification.
2. Means of income verification include pension award letters, check stubs, employer letters, and collateral contacts with employers, agencies or other persons having knowledge of the household's circumstances.
3. When a collateral contact designated by the household cannot be expected to provide accurate third party verification, the local office shall ask the household to designate an acceptable collateral contact, provide an alternative form of verification or substitute a home visit.
4. In some instances, however, all attempts to verify income may be unsuccessful because the person or organization has failed to cooperate with the household. A cooperating applicant shall not be denied solely because a third party refuses to provide verification. The eligibility worker shall, in consultation with the applicant or other sources, arrive at a figure to be used for certification purposes and annotate the household's case record with information used to make an eligibility determination.

B. Continuing Employment

When the applicant has continuing employment, the previous month's income is the best indication and source of verification of the amount of income the household may expect to receive. If information, such as probable salary raise, overtime pay or layoff supplied by the household or collateral contact reveals that future income will differ substantially from the previous month's income, a reasonable estimate of income shall be made based on information obtained from the household members and/or collateral contacts. The method of determining and computing income shall be fully annotated in the case record.

C. Self-Employment

Self-employment verification may consist of tax documents, self-employment ledgers maintained by the household, receipts, or other documents used for verifying and documenting the household's self-employment income and expenses. If, at the time of initial certification, a household is recently self-employed or does not have adequate documentation of the household's self-employment income and expenses, the eligibility worker shall use the best information available to determine the household's monthly income. The household shall be encouraged to keep records of income and expenses for subsequent certifications. No specific verification shall be required and the documentation provided by the household shall be accepted unless questionable. ~~For s-corporations and limited liability corporations (LLC), see Section 4.403, F.~~

D. Educational Assistance

All educational income and financial aid is considered exempt income and does not require verification to determine a household's monthly income.

E. Verification of Terminated Employment

1. If information regarding the termination of employment is questionable, verification is necessary. The primary responsibility for providing verification rests with the household. If it is difficult or impossible for the household to obtain documentary evidence in a timely manner, the local office shall offer assistance.
2. Acceptable sources of verification include, but are not limited to, the previous employer, employee associations, union representatives and grievance committees and the Colorado Department of Labor and Employment (DOLE). Whenever documentary evidence is not available, a collateral contact shall be used.
3. If the household and the local office are unable to obtain verification for a questionable

claim of resignation from employment due to discrimination practices or unreasonable demands by an employer because an employer cannot be located, the household shall not be denied.

F. Cases of No Reported Income

1. In addition to verifying reported income, the eligibility worker may have occasion to explore the possibility of unreported income. Prior to determining the eligibility of households who report no income or income so low as to place them at the maximum benefit level without consideration of deductible expenses, the eligibility worker must, through in-depth interviewing techniques, determine how the household maintains its existence and meets ongoing maintenance expenses. Collateral contacts with a person or persons knowing the household's circumstances IS are recommended. The existence of resources might be an explanation of how the household exists at the level of income reported.
2. When exploring the possibility of unreported income or how the household is meeting its expenses, the local office shall not initiate a request for verification of such information, but shall explore how the household is meeting its needs through an interview. If, at the time of recertification, the local office needs to explore the possibility of unreported income or how the household is meeting its needs, the household shall be contacted by telephone to resolve the discrepancy. If the household cannot be contacted, then the interview process outlined in Section 4.204 can be initiated.

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4.507 VERIFICATION OF EXPENSES

A. Verification of Dependent Care

Verification of dependent and child care expenses is required to grant a deduction. ~~Refer to Section 4.407.6 if the dependent care costs qualify as a medical deduction.~~

B. Verification of Shelter and Utility Costs

1. A household's declaration of its responsibility to pay shelter and utility costs, as well as the amount the household is responsible to pay, shall be considered an acceptable source of verification, unless questionable, to grant the household a deduction for the amount the household declares it is responsible for paying. ~~Deductions for utility allowances shall be granted in accordance with Section 4.407.31.~~
2. Households that wish to claim shelter costs for a home that is unoccupied because of employment or training away from the home, illness or abandonment caused by a natural disaster or casualty loss must provide verification of actual utility costs if the costs would result in a deduction. These households are also responsible for providing verification of any other shelter costs if the cost is questionable and it would result in a deduction. The local office is not required to assist households in obtaining verification of this expense if the verification needs to be obtained from a source outside the county.
3. If shelter expense is questionable and verification cannot be verified within thirty (30) calendar days from the date of application, the local office shall determine the household's eligibility and benefit level without providing a deduction for the unverified expense.
4. If the household subsequently provides the missing verification for questionable shelter costs, the information will be handled as a reported change in accordance with Section ~~4.604~~. The household shall be entitled to restoration of any lost benefits as a result of the disallowance of the expense which could not be verified within the thirty (30) day period, only if the client was not given at least ten (10) calendar days to provide verification or less than ten (10) calendar days if a necessary second interview could only be scheduled

between the twentieth (20<sup>th</sup>) and thirtieth (30<sup>th</sup>) day of the processing period.

C. Verification of Medical Expenses

1. The amount of medical bills and the portion that is reimbursable shall be verified prior to initial certification. At recertification, total medical expenses shall be verified if the source has changed or the total amount has changed more than twenty-five dollars (\$25) since the last time they were verified, or the information is incomplete, inaccurate, inconsistent, or outdated. ~~See Sections 4.407.6 and 4.407.61 for eligibility criteria for household members entitled to these deductions.~~
2. The household's monthly medical deduction for the certification period shall be based on the information reported and verified by the household, any anticipated changes in the household's medical expenses that can be reasonably expected to occur during the certification period based on available information about the recipient's medical condition public or private insurance coverage and current verified medical expenses. If the change cannot be reasonably anticipated, the household shall have the non-reimbursable portion of the medical expense considered at the time the amount of the expense or reimbursement is reported and verified.
- ~~3. Any time questionable information is received, such as the identity of the person incurring medical costs, verification shall be obtained.~~
3. 4. If the household reports a change in its medical expenses, the local office shall verify the change and act on the change during the certification period if it will result in an increase to the household's benefit allotment. ~~If the reported change will result in a decrease to the household's benefits, the change shall not be made effective until the start of the new certification period. If a change in medical expenses is discovered from another source other than the household, the local office cannot act on the change unless it is considered verified on receipt. The household shall not be contacted to verify a change discovered through another source. If a household fails to verify changes in medical expenses, the worker shall not make the change.~~
4. 5. Households certified for twenty-four (24) months that incurred a one-time medical expense during the first twelve (12) months shall have the option of deducting the expense for one month, averaging the expense over the remainder of the first twelve (12) months of the certification period, or averaging the expense over the remainder of the certification period. One-time expenses reported after the twelfth (12<sup>th</sup>) month of the certification period will be deducted as a one-time monthly expense or averaged over the remaining months in the certification period, at the household's option.

D. Verification of Child Support Expenses

1. ~~In order to receive a deduction, the household shall verify its legal obligation to pay child support, the amount of the obligation, and the monthly amount of child support the household actually pays.~~ The local office shall accept any document that verifies the household's legal obligation to pay child support, such as a court or administrative order or legally enforceable separation agreement.
2. The local office shall accept documentation verifying a household's actual payment of child support including, but not limited to, cancelled checks, wage withholding statements, verification of withholding from unemployment compensation and statements from the custodial parent regarding direct payments or third party payments that the noncustodial parent pays or expects to pay on behalf of the custodial parent.
3. Documents that are accepted as verification of the household's legal obligation to pay child support shall not be accepted as verification of the household's actual monthly child support payments.

4. In addition to requiring verification from the household, the local office shall be responsible for obtaining verification of the household's child support payments if the payments are made to the child support services agency. The local office shall give the household an opportunity to resolve any discrepancy between household verification and the verification received from the child support services agency. ~~Child support income and expense information received from the automated child support system shall be considered verified upon receipt (see Section 4.504.6).~~
5. At recertification OR PERIODIC REPORT, the local office shall require the household to re-verify the amount of legally obligated child support that a household member pays to a non-household member AND THE ACTUAL MONTHLY CHILD SUPPORT PAYMENTS MADE.

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#### 4.600—ONGOING CASE MANAGEMENT

~~When a household is certified for Food Assistance, a certification period is assigned. During the certification period, the household is required to report certain changes in its household circumstances. If a household does not report changes as required and as a result is overpaid Food Assistance benefits, the household will be held liable for repaying any benefits it was not eligible to receive in accordance with Section 4.800.~~

~~There are some changes that the household is not required to report but are considered known to the agency because the agency is made aware of those changes by the primary source of that information. See Sections 4.504.6 and 4.607 for these types of changes. The local office is required to act upon such information during the middle of the certification period. Claims may be established as a result of information considered verified upon receipt even if a household is not otherwise required to report such information.~~

~~All changes are acted on in accordance with Section 4.604.~~

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#### 4.601 GENERAL REQUIREMENTS FOR REPORTING CHANGES

- A. ~~Simplified reporting h~~ Households are only required to report and verify if the household's combined gross income exceeds one hundred thirty percent (130%) of the Federal Poverty Level (FPL) for its household size.
- B. Households shall be required to report THE INCREASE IN INCOME ~~changes in household circumstances as outlined in Section 4.603~~ no later than ten (10) calendar days from the end of the calendar month in which the change occurred. The local office has up to ten (10) calendar days to act on the information from the date the change is considered reported, ~~as outlined in Section 4.602.~~
- C. The household shall be allowed to report changes in person, by telephone, in writing, or through the online system. ~~A toll-free number or a number on which collect calls will be accepted shall be indicated on all Change Report Forms.~~

~~Changes reported by the household by telephone or in person shall be acted upon in the same manner as those reported on the Change Report Form. If reporting by mail, households will have met the reporting requirement provided the envelope is postmarked within the required ten (10) day calendar period. Public assistance (PA) households which report a change in circumstances to the PA worker shall be considered to have reported the change for Food Assistance purposes.~~

- D. ~~A Change Report Form shall be provided to newly certified households at the time of certification and recertification and each time a change is submitted using the form. Households shall be notified of the receipt of the Change Report Form at the time the household is notified of an increase or decrease in benefits resulting from the reported change or at the same time the household is notified that additional verification is necessary to process the reported change.~~



~~E. If additional verification is required to process the reported change, the household shall be notified of the verification needed and the deadline for submitting required verification to the local office. The notice shall inform the household that the change must be verified prior to action being taken by the local office if benefits are to be increased. Households shall be advised that assistance can be obtained from the local office if the household experiences difficulty in obtaining required verification.~~

~~F. When a change in household circumstances occurs in a non-simplified reporting household and the local office has determined that a household has refused to cooperate in providing verification necessary to determine eligibility, the household's eligibility shall be terminated following a Notice of Adverse Action. The household shall not be denied if there is any question as to whether it has merely failed to cooperate as opposed to refused to cooperate.~~

~~For a determination of refusal to be made, the household must be able to cooperate, but clearly demonstrate that it will not take actions that it can take and that are required to determine eligibility when a change of more than twenty-five dollars (\$25) occurs in a non-simplified reporting household. Households experiencing difficulty in obtaining necessary verification shall be assisted by the local office either in obtaining the documentary evidence or by making a collateral contact. The local office must ensure that the household was notified of the needed verification and sufficient time was allowed to obtain the verification.~~

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#### 4.602 WHEN CHANGES ARE CONSIDERED REPORTED

A. A change shall be considered to be reported as of the date the local office is notified of the change, if the required verification is received within ten (10) calendar days from the date the change is considered reported.

If verification is obtained after the ten (10) calendar day timeframe, or during the adverse action period, the office shall consider the change reported on the day the verification is received.

See Section 4.504.6 for what date is considered the change reported date for information that is considered verified upon receipt.

~~B. The local office has up to ten (10) calendar days to act on a change from the date the change is considered reported.~~

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#### 4.603 HOUSEHOLD RESPONSIBILITY TO REPORT CHANGES

A. 1. Applicant households shall report all changes related to their Food Assistance eligibility and benefits at the certification interview, including any changes that occurred between the date an application is submitted and the date of the interview. If a change is reported in an initial month and the application has not yet been processed, the local office shall act on the most current information.

~~2. Households are required to report changes in household circumstances in accordance with the provisions of this section, no later than ten (10) calendar days from the end of the calendar month in which the change occurred. The local office has up to ten (10) calendar days to act from the date of the change is considered reported.~~

B. 3. Households are required to report all changes in household circumstances when filing a redetermination and periodic report.

- C. 4. Able-Bodied Adults Without dependents, as defined in Section 4.100, that do not meet an exemption criteria, as outlined in Section 4.310.3, are required to report any changes in work hours that bring the individual below twenty (20) hours per week, averaged monthly.

~~A. Additional requirements for Simplified Reporting Households~~

~~1. All households with certification periods of six (6) months and twenty-four (24) months shall be considered simplified reporting households. At redetermination, households with six (6) month certifications are required to report all changes in household circumstances. Households with twenty-four (24) month certifications are required to report all changes in household circumstances at the twelve (12) month periodic reporting period and at redetermination (see Section 4.208.1).~~

~~2. The only change a simplified reporting household shall be required to report during the certification period is if the household's combined gross income exceeds one hundred thirty percent (130%) of the federal poverty level, as applicable to their household size. Simplified reporting households that exceed the one hundred thirty percent (130%) federal poverty level (FPL), as applicable to their household composition, will have ten (10) calendar days from the end of the month in which the household exceeded one hundred thirty percent (130%) FPL to report the change to the local office.~~

~~D. 3. Households who have no gross income threshold or who are eligible to be certified with a gross income level of up to two hundred percent (200%) of the federal poverty level, as applicable to the household size, who are initially certified with income above one hundred thirty percent (130%) FPL shall not be required to report increases in the household's combined gross income during the certification period. See Section 4.604 for clarification on how to act in situations when a household reports this information.~~

E. 4. Households who have no gross income threshold or who are eligible to be certified with a gross income level of up to two hundred percent (200%) of the FPL, as applicable to the household size, who are initially certified with income below 130% FPL are required to report when the household's combined gross income exceeds one hundred thirty percent (130%) FPL applicable to the household size. After the household reports its first increase in income above one hundred thirty percent (130%) FPL, the household shall not be required to report further increases in the household's combined gross income for the remainder of the certification period.

~~5. The only change a simplified reporting household must report after the interview is if the household's gross monthly income exceeds one hundred thirty percent (130%) of the FPL applicable to the household size. If a change is reported after the interview but before the application has been processed, the local office shall act on the most current information. If a change is reported after the application has been processed, then the change shall be acted upon in accordance with Section 4.604.~~

F. 6. When a simplified reporting household submits a recertification or periodic report form and an interview is not conducted because one has been completed in the previous twelve month period, any changes that occur after the recertification or periodic report form was submitted are not required to be reported unless the change causes the household to exceed one hundred thirty percent (130%) FPL applicable to the household size. If an interview is scheduled with the household, then the household is required to report any changes that occur between the time the household submitted the recertification application or periodic report form and the date of the interview.

G. 7. Upon benefit approval at initial application, redetermination and periodic change report, the household shall be provided with a notice of the gross income level that applies to its household size.

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#### 4.604 ACTION ON REPORTED CHANGES

Changes shall be acted on in accordance with the following guidelines:

##### A. General Requirements

Changes to a household's circumstances shall be acted on prospectively and processed within ten (10) calendar days from the date the change is considered to be reported (~~see Section 4.602~~). Changes reported by households shall be documented in the Food Assistance case record to indicate the change and the date that the change was reported. ~~If a Change Report Form was used, the local office shall provide another Change Report Form to the household and notify the household of the receipt of the change report.~~ If the reported change causes a change to the household's allotment, a notice of action form shall be issued to inform the household of a new basis of issuance and/or a supplemental allotment. If a supplemental allotment is to be issued, the amount of the supplemental allotment shall be the difference between the allotment the household is eligible to receive, due to the reported change, and the allotment the household actually received for the current month. The household's total monthly allotment shall be increased for all subsequent months of the certification period that are affected by the change.

##### B. Changes Reported at Redetermination and Periodic Report

The county local office shall act on all changes reported by households filing a redetermination or periodic report. When a household reports information during the certification period that it was not required to report, the local office shall document the information in the case record. If the information is not acted upon because it would cause a reduction in benefits ~~for a simplified reporting household~~, and it does not meet the criteria outlined in D below, the local office shall review the information at the time of the household's subsequent certification, or at the twelve (12) month periodic report for those households certified for twenty-four (24) months to determine if the change should be acted upon when processing the redetermination or periodic report.

##### C. Changes Resulting In an Increase

1. The county local office shall act on any change reported by the household that will increase benefits. The increased allotment shall be made no later than the first allotment issued ten (10) or more calendar days after the change is considered to be reported. Any increase in benefits resulting from a change shall take effect the month following the month the change is considered reported ~~per Section 4.602~~. Therefore, if such a change is reported after the twentieth (20th) of a month, and it is not possible to adjust the following month's allotment before the household's next normal issuance day, a supplemental allotment (in addition to the previously authorized monthly allotment) must be issued within ten (10) calendar days from the date the change was considered to be reported. A supplemental allotment shall not be issued for the month in which the change occurred.
2. Changes that result in increased Food Assistance benefits for a household must be verified by the household within ten (10) calendar days from the date the change is reported. If the household fails to provide verification, benefits shall remain at the original level until verification is obtained. Changes that result in increased Food Assistance benefits for a household must be verified prior to adjusting the household's allotment.

D. Changes Resulting in Allotment Decreases

Changes that result in a decreased allotment shall be processed within ten (10) calendar days from the date the change is considered reported and made effective on the last day of the month in which the advance Notice of Adverse Action expires. The notice of adverse action expires eleven (11) calendar days from the date it is issued or fifteen (15) calendar days for households participating in the address confidentiality program (ACP).

~~For simplified reporting households, t~~ The county local office shall not act on changes during the certification period that would decrease benefits, unless:

1. The head of household requests that his/her case be closed;
2. The head of household requests that any member be removed;
3. An adult member requests to be removed from the case;
4. An adult member requests that he/she and his/her children be removed from the case;
5. The agency has information about the household's circumstances considered verified upon receipt ~~(see Section 4.504.6);~~
6. There has been a change in the household's public assistance grant;
7. The agency is acting on a mass change ~~as outlined in Section 4.607; or,~~

8. A household who has no gross income threshold or who is eligible to be certified with a gross income level up to two hundred percent (200%) FPL as applicable to the household size, which is initially certified with income below one hundred thirty percent (130%) FPL has a change in income that causes the household's combined gross monthly income during the certification period to exceed one hundred thirty percent (130%) FPL. ~~Refer to Section 4.401.1 for a description of households that are eligible to be certified with a gross income level up to two hundred percent (200%) FPL.~~

9. The agency has received information from the Prisoner Verification System or the Deceased Matching System that a household member is no longer residing in the home and the household has failed to respond to the notice of match, provided insufficient evidence to the contrary, or has confirmed the match ~~in accordance with Section 4.604.1,B.~~

E. Changes Resulting in Ineligibility

Changes that result in the household becoming ineligible shall be processed within ten (10) calendar days from the date the change is considered reported, unless the change does not require adverse action ~~per Section 4.608.1~~. Changes resulting in ineligibility shall be made effective on the last day of the month in which the Notice of Adverse Action expires. The notice of adverse action expires eleven (11) calendar days from the date it is issued or fifteen (15) calendar days for households participating in the address confidentiality program (ACP). ~~Documentation of the eligibility determination shall be noted in the case record.~~

~~Households that would otherwise become temporarily ineligible due to a periodic increase in recurring income or become ineligible due to another change that is not expected to continue in the subsequent month shall have their issuance suspended. Food assistance households may be placed in suspense for one month. Households not eligible for Food Assistance in the following issuance month must be discontinued from the Food Assistance Program. Households placed in suspense shall not receive a Food Assistance allotment for that issuance month. These households are considered to be eligible for the Food Assistance Program although receiving a zero allotment for the month the household is in suspense. If the suspended household again becomes eligible to receive an allotment after the month of suspense, the local~~

~~office shall issue benefits on the household's normal issuance date. A new application shall not be required if the current certification period has not expired during the month of the suspense.~~

F. Changes in Categorical Eligibility

~~When a household reports a change during the certification period that results in it no longer meeting the criteria of the categorical eligibility tier it was originally certified under per Section 4.206, the household's eligibility must be re-evaluated using the next appropriate category. If the reported change has not been verified, or is considered questionable, and it cannot be determined whether basic categorical eligibility, expanded categorical eligibility, or standard eligibility criteria should be used, a request for verification shall be initiated per Section 4.604.1, Verification of Reported Changes.~~

G. Changes in Household Composition

1. Changes in household composition shall be acted on prospectively for the following month when the local office is able to affect the change prior to the determination of the household's allotment for that month. Anticipated income, deductions and other financial and non-financial criteria of the new member shall be considered in the prospective determination. The anticipated income, deductions, and other financial and non-financial criteria of a removed member shall no longer be considered when determining the household's eligibility (~~see Section 4.304~~). ~~For changes in household composition that cause a decrease in the household's allotment, refer to D, "Changes Resulting in Allotment Decreases," above, for how to act on the change for a simplified reporting household.~~

2. Individuals Disqualified During the Certification Period

When an individual is disqualified during the household's certification period, the Food Assistance certification office shall determine the eligibility or ineligibility of the remaining household members based on information contained in the case record. If information in the case record is insufficient, additional information shall be obtained as needed.

- a. If a household's benefits are reduced or terminated within the certification period because one or more of its members was disqualified for intentional program violation/fraud, the local office shall notify the remaining members of their eligibility and benefit level at the same time the disqualified member(s) is notified of his or her disqualification.
- b. If a household's benefits are reduced or terminated within the certification period because one or more of its members is disqualified for being an ineligible noncitizen, noncompliance with a work requirement, or for failure or refusal to obtain or provide a Social Security Number, the local office shall send a Notice of Adverse Action which informs the household of the disqualification, the reason for the disqualification, the eligibility and benefit level of the remaining members, and the actions the disqualified member must take to end the disqualification.

H. Changes Reported During the Certification Period That the Household Is Not Required To Report

When a household reports information during the certification period that it was not required to report, the local office shall document the information in the case record. If the information is not acted upon because it would cause a reduction in a ~~simplified reporting~~ household's benefit allotment and it does not meet the criteria outlined in ~~¶ D~~ above, the local office shall review the information at the time of the household's subsequent certification, or at the twelve (12) month periodic report for those households certified for twenty-four (24) months to determine if the change should be acted upon at that time.

I. ~~Refusal to Cooperate~~

~~The household shall be determined ineligible if it refused to cooperate in any subsequent review of its eligibility, including reviews generated by reported changes, recertifications, or as part of a quality control review in accordance with Sections 4.903.4, 4.903.41, and 4.903.42. If a simplified reporting household~~

~~reports a change during the certification period that it was not required to report, the local office may request verification of the change, but if the household does not provide verification, then the case cannot be denied for failing to provide the requested information~~

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#### 4.604.1 Verification of Reported Changes

Changes that affect an allotment may require additional verification prior to taking action.

##### A. Unclear Information

1. If the local county office receives information about changes in a household's circumstances but cannot determine if or how the change will affect the household's benefits and the unclear information is:
  - a. Fewer than sixty (60) days old relative to the current month of participation; and
  - b. Was required to have been reported PER SIMPLIFIED REPORTING RULES as ~~outlined in Section 4.603~~; or
  - c. Appears to present significantly conflicting information about the household's circumstances from that used by the agency at the time of certification, including changes to the household's categorical eligibility tier, then;

The local office shall send a verification request notice requesting the household to provide the specific information or verification within the ten (10) calendar days plus one (1) additional calendar day for mailing time period. Households participating in the Address Confidentiality Program (ACP) shall receive five (5) additional calendar days for mailing time. The local office shall offer assistance in obtaining the verification if the household cannot obtain the information.

If the household fails or refuses to provide the verification or to request assistance with obtaining the verification within the ten (10) calendar days plus one (1) additional calendar day for mailing timeframe, or five (5) additional calendar days mailing time for ACP households, the process for closing the case shall be initiated. The Notice of Action Form shall advise the household that a change occurred that could not be acted upon, that the case is being closed, and that the household must provide the needed verification if it wishes to continue participation in the program. The household may be required to reapply if the household takes the required action after a break in benefits of more than thirty (30) calendar days.

2. If the information is more than sixty (60) days old relative to the current month of participation, was not required to be reported ~~per Section 4.603~~, or does not present significantly conflicting information from that used by the agency at the time of certification, the agency shall not act on this information or require the household to provide the information until the household's next recertification or periodic report.
3. Changes which result in increased Food Assistance benefits for a household shall be verified prior to adjusting the household's allotment. If the household fails to provide verification, benefits shall remain at the original level until verification is obtained. ~~Any increase in benefits resulting from a change shall take effect in accordance with the provisions outlined in Section 4.604(C)(1).~~

##### B. Computer Matches Not Considered Verified Upon Receipt

When information is received from a Prisoner Verification System indicating an individual is currently being held in a federal, state, or local detention or correctional institution for more than thirty (30) days or information is received from a Deceased Matching System indicating a household member has recently

died, a notice of match shall be sent to the affected household prior to taking action to adjust or terminate the household's benefits.

The notice of match shall explain what information is needed to challenge the match and the consequences of failing to respond. The notice shall provide the household with ten (10) calendar days plus one (1) additional calendar day for mailing time to respond. Households participating in the Address Confidentiality Program (ACP) shall be provided five (5) additional calendar days for mailing time.

If the household substantiates the match, fails to respond to the notice, or fails to provide sufficient verification to challenge the match results, the agency shall remove the subject individual from the Food Assistance household and adjust benefits accordingly following the procedures outlined in Section 4.604.

If the household provides sufficient verification that the match is invalid, no further action shall be taken to remove the subject individual or adjust the household's benefits. The case record shall be documented accordingly.

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#### 4.605 FAILURE TO REPORT CHANGES

If Food Assistance benefits are over-issued because a household fails to timely report changes in household circumstances or income as required, a claim shall be established and a notice of overpayment and a repayment agreement will be mailed. If the discovery is made within the certification period, the household must be given advance notice of adverse action if its benefits are to be reduced.

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#### 4.606 HANDLING PUBLIC ASSISTANCE (PA) HOUSEHOLD CHANGES

- A. Households that receive public assistance benefits which report a change in circumstances to the public assistance worker shall be considered to have reported the change for Food Assistance purposes. Information that is reported and verified to a public assistance (PA) program which results in a change to the PA benefit amount and that meets the Food Assistance rules for verification shall be considered verified upon receipt (see Section 4.504.6). The date the change is considered reported and verified is the date the public assistance program processes the change and authorizes the new PA benefit amount. When acting on information considered verified upon receipt, advance notice of adverse action is required, except as noted in Section 4.608.1.
- B. When there is a change in a public assistance case and the county has sufficient information to make the corresponding Food Assistance adjustment, the county shall follow the guidelines listed below.
1. If the change in household circumstances requires a reduction or termination of both public assistance and Food Assistance, the following action will be required:
    - a. Send Notices of Adverse Action for both programs simultaneously with both notices bearing the same effective date.
    - b. If a household requests a fair hearing any time prior to the effective date of the Notice of Adverse Action, and its certification period has not expired, the household's participation in the program shall be continued on the basis authorized immediately prior to the Notice of Adverse Action, unless the household specifically waives continuation of benefits. Continued benefits shall not be issued for a period beyond the end of the current certification period.
    - c. If the household appeals only a PA adverse action and is granted interim relief, Food Assistance benefits authorized prior to the adverse action shall continue or be restored. However, the household must reapply if the Food Assistance certification period expires before the hearing process is completed.

- d. If the household does not appeal the adverse action to decrease the public assistance or Food Assistance benefits within the adverse action period, the changes shall be made in accordance with timeframes outlined in Section 4.603.
2. If the change requires a reduction or termination of public assistance and/or increases in Food Assistance, the following action will be required:
    - a. A public assistance Notice of Adverse Action shall be issued to the household and Food Assistance benefits shall not be increased until the adverse action period expires. If the household does not appeal, the increase shall be effective in accordance with Section 4.604. The time limit for taking the action to increase Food Assistance benefits shall be calculated from the date the PA Notice of Adverse Action expires. The Notice of Adverse Action expires eleven (11) calendar days from the date it is issued or fifteen (15) calendar days for households participating in the address confidentiality program (ACP).
    - b. If the household requests a PA state appeal and is granted interim relief, the household is entitled only to Food Assistance benefits that were authorized immediately prior to the PA adverse action and action must be taken to correct the current basis of issuance. A Food Assistance claim must be made against the household if there was an overissuance for the period pending the appeal decision.
  3. When there is a change in a PA case which results in a termination of PA but there is insufficient information to determine Food Assistance eligibility, the county shall follow the guidelines listed below:
    - a. The PA Advance Notice of Adverse Action and a verification request notice are issued simultaneously. The public assistance notice makes the action effective on the last day of the month the notice is sent (or the last day of the following month, as appropriate, to allow for the required advance notice period). The routine extension on Food Assistance notices allows the household time to reapply for benefits at the appropriate local office.

The verification request notice shall advise the household of the information that needs to be verified for the household to continue to receive Food Assistance benefits. The worker shall not take any further action until the PA Notice of Adverse Action period expires or until the household requests a fair hearing. If the household does not appeal the PA action and request a continuation of benefits, the agency may resume action on the reported change.

Depending on the response or non-response to the verification request, the worker shall adjust the household's benefits if the verification of the household circumstances are received, or issue a Notice of Adverse Action to close the household's case if the household does not respond or refuses to provide information.
    - b. Households requesting a Food Assistance appeal may be entitled to continued benefits.
    - c. If the household requests only a public assistance state appeal and is granted interim relief, Food Assistance benefits authorized immediately prior to the adverse action will continue or be restored.
  4. If the situation does not require a PA Notice of Adverse Action, the county local office shall take action based on the normal change reporting processing time frames and provide proper noticing as described in this section.

C. Local offices shall ensure that there is no increase in Food Assistance benefits to households as the result of a penalty being imposed for an intentional program violation (IPV) or failure to comply with



program requirements for a federal, state, or local means-tested program that distributes publicly funded benefits.

The local office shall calculate the Food Assistance allotment using the benefit amount that would be issued by that program if no penalty had been imposed to reduce the benefit amount. A situation where benefits of the other program are being frozen at the current level shall not constitute a penalty subject to these provisions. Changes in household circumstances that are not related to the penalty and result in an increase in Food Assistance benefits shall also not be affected by these provisions.

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#### 4.607 MASS CHANGES

There are certain changes that occur which are not caused by the household and which affect a mass portion of the Food Assistance caseload simultaneously. Such adjustments go into effect for all households at a specific point in time, and the local office will have full prior knowledge of the change. Such changes are generally initiated as a result of a change in state or federal regulations. When such changes occur, the local office shall be responsible for making the appropriate adjustments in the household's eligibility or allotment as directed by the State Department and noticing the client as outlined below:

- A. Federal adjustments to eligibility standards, allotments, and deductions; state adjustments to the Standard Utility Allowance; and any federal reduction, cancellation, or suspension of Food Assistance Program benefits.

These mass changes shall not require Advance Notice of Adverse Action to affected households; however, households shall be notified of such changes through the news media; posters in certification or issuance offices, or other locations frequented by participating households; or general notices mailed to participating households. Adjustments to federal standards and state adjustments to utility standards shall be implemented prospectively.

- B. Mass changes in public assistance grants, such as state-only Old Age Pension and Aid to the Needy Disabled; and Cost of Living Adjustments (COLA) and increases in federal RSDI, SSI benefits (Title XVI), and SSA (Title II).

These mass changes shall require a Notice of Adverse Action when food assistance benefits are decreased or terminated. Such notice for these mass changes shall be provided to the household as much before the household's scheduled issuance date as reasonably possible, although the notice need not be given any earlier than the time required for advance Notice of Adverse Action, per Section 4.608. Mass changes shall be processed prospectively for all households.

1. At a minimum, affected households shall be informed of:
  - a. The general nature of the change;
  - b. Examples of the change's effect on household's allotments;
  - c. The month in which the change will take effect;
  - d. The household's right to a fair hearing;
  - e. The household's right to receive a continuation of benefits if the following criteria are met:
    - 1) The household has not specifically waived its right to a continuation of benefits;
    - 2) The household requests a fair hearing ~~in accordance with Section 4.802.2,~~ and the request for a hearing is based upon improper

computation of Food Assistance eligibility or benefits, or upon misapplication or misinterpretation of state rules, or federal law or regulation.

- f. The household's liability for any over-issued benefits if the hearing decision is adverse;
- g. General information on whom to contact for additional information.

2. Processing Mass Changes in Public Assistance (PA)

Public assistance grant cost-of-living increases and SSA/SSI cost-of-living increases are treated as mass changes in the Food Assistance Program. Mass changes shall be processed prospectively for all households. Food assistance benefits shall be recomputed and the change shall be effective in the same month as the change in the PA grant. If the local office has at least thirty (30) calendar days' advance knowledge of the amount of the public assistance adjustment, the Food Assistance benefits shall be recomputed and the change shall be effective in the same month as the change in the PA grant. In cases where the local office does not have thirty (30) calendar days' advance notice, the Food Assistance change shall be made effective no later than the month following the month in which the PA grant was changed.

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4.608 ADVANCE NOTICE OF ADVERSE ACTION

- A. The local office shall notify a household of any change from its prior benefit level, the reason for the action and the date the action becomes effective on the Notice of Action form except as specified in Section 4.608.1. The Notice of Overpayment form is used as the Notice of Adverse Action for claims and the resulting recoupment for failure to respond.
- B. Households shall receive advance Notice of Adverse Action, giving at least ten (10) calendar days advance notice, plus one additional calendar day for mailing time, before any adverse action, such as a benefit reduction, suspension, termination or denial, becomes effective during the certification period, except as specified in Section 4.608.1. Households participating in the address confidentiality program (ACP) shall receive five (5) additional calendar days for mailing time.

When acting on a change in accordance with Section 4.604, if the ten (10) calendar day advance notice period, plus the additional calendar day(s) for mailing time, can be given in the month the Notice of Adverse Action is sent, the notice shall be effective on the last day of the month the notice is sent.

If the ten (10) calendar day advance notice period, plus the additional calendar day(s) for mailing, extends into the following month, the notice shall be effective on the last day of the month the notice expires. The notice of adverse action expires eleven (11) calendar days from the date it is issued or fifteen (15) calendar days for households participating in the ACP. The notice shall explain the reason for the proposed action and the date the action becomes effective.

If the advance notice period ends on a weekend or holiday and a request for a fair hearing and continuation of benefits are received the business day after the weekend or holiday, the request shall be considered timely received.

For changes that result in a decreased allotment or ineligibility, the local office shall issue a notice of adverse action within ten (10) calendar days of the date the change is considered reported, which will affect the next regularly scheduled allotment after the month in which the advance Notice of Adverse Action period expires (see Section 4.602).

- C. Prior to the effective date of the Notice of Adverse Action, a participant household may request a conference with the staff of the certification office responsible for the decision to take the adverse action, or the household may file an appeal of such action.

- D. The participant household may also, prior to the effective date of the Notice of Adverse Action, either before or after the conference, appeal the proposed action. Households that timely request a hearing may be entitled to continued benefits. The eligibility worker shall explain to the household that a demand will be made for the amount of any benefits determined by the hearing officer to have been over-issued.

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#### 4.608.1 Changes Not Requiring Advance Notice of Adverse Action

Advance Notice of Adverse Action may be given, but is not required in the following situations:

- A. The Food Assistance Program Division initiates mass changes outlined in Section 4.607, paragraph A. Such changes must be publicized in advance. Announcements may be handed out or mailed to affected participant households.
- B. The local office determines based on reliable information that meets verification requirements that all members of a household have died.
- C. The local office determines based on reliable information that meets verification requirements that the household has moved from the project area.
- D. The household has been receiving an increased allotment to restore lost benefits, the restoration is complete, and the household was previously notified in writing of when the increased allotment would terminate.
- E. The household's allotment varies from month to month within the certification period to take into account changes that were anticipated at the time of certification, and the household was so notified at the time of certification.
- F. The household applied for public assistance (PA) and Food Assistance jointly and has been receiving Food Assistance benefits pending the approval of the PA grant and was notified at the time of certification that Food Assistance benefits would be reduced upon approval of the PA grant.
- G. The certification office has elected to assign a longer certification period to a household certified on an expedited basis and for whom verification was postponed, as detailed in Section 4.205.1, provided the household has received prior written notice that verification may result in a reduction in benefits.
- H. As a result of the facility's loss of state or USDA/FNS authorization, the local office terminates eligibility of those residents in a drug or alcoholic treatment center or group living arrangement, who are certified with the facility acting as authorized representative.
- I. A household member is disqualified for an intentional program violation/fraud or the benefits of the remaining household members are reduced or terminated to reflect the disqualification of that household member. ~~The noticing requirements for an intentional program violation/fraud are contained in Section 4.803.7.~~
- J. Converting a household from cash and/or Food Assistance repayment for claims to allotment reduction as a result of a failure to make agreed-on repayments.
- K. The household was issued a repayment agreement for a claim and failed to respond. For households participating in the program that do not respond to the repayment agreement, benefit recoupment will be initiated.
- L. A change that is reported at redetermination for a household certified for six (6) months, or at PERIODIC REPORT ~~the 12-month mid-point~~ for a household certified for twenty-four (24) months, which results in a decrease to the household's Food Assistance allotment. ~~Such changes shall be processed in accordance with the requirements and timeframes in Sections 4.209.1, and 4.210.~~

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4.609.1 GENERAL ELIGIBILITY GUIDELINES [Rev. eff. 2/1/16]

- A. ~~Effective January 1, 2017,~~ Households that receive Food Assistance and Colorado Works basic cash assistance that become ineligible for continued receipt of Colorado Works basic cash assistance as a result of changes in household income are eligible to receive Transitional Food Assistance (TFA), as provided for within this section. Colorado works diversion payments are not considered basic cash assistance. Colorado works basic cash assistance is defined in Section 3.601 of the Code of Colorado Regulations (9 CCR 2503-6).
- B. Households that are eligible to receive Transitional Food Assistance will have the Food Assistance benefit amount continued for five (5) months. The household's Food Assistance allotment will be continued in an amount based on what the household received prior to when the household's income made them ineligible for Colorado Works basic cash assistance. Only the following four (4) changes will be acted upon when determining the Food Assistance allotment that is to be continued.
1. The loss of the Colorado Works cash grant;
  2. Changes in household composition that result in a household member leaving and applying for Food Assistance in another household;
  3. Updates to the Food Assistance eligibility standards that change each October 1 as a result of the annual cost-of-living adjustments (see Section 4.607); and,
  4. Imposing an intentional program violation disqualification.
- C. When the Food Assistance benefit amount is continued, the household's existing certification period shall end, and the household shall be assigned a new five (5) month certification period. The recertification requirements ~~located within Section 4.209~~ that would normally apply when the household's certification period ends must be postponed until the end of the five (5) month transitional certification period.
- D. Households who are denied or not eligible for Transitional Food Assistance must have continued eligibility and benefit level determined in accordance with Section 4.604.
- E. The following households are not eligible to receive Transitional Food Assistance:
1. Households leaving the Colorado Works program due to a Colorado Works sanction; or,
  2. Households that are ineligible to receive Food Assistance because all individuals in the household meet one of the following criteria:
    - a. Disqualified for intentional program violation ~~in accordance with Section 4.803;~~
    - b. Ineligible for failure to comply with a work requirement ~~in accordance with Section 4.310;~~
    - c. Ineligible student ~~in accordance with Section 4.306;~~
    - d. Ineligible non-citizen ~~in accordance with Section 4.305.1;~~
    - e. Disqualified for failing to provide information necessary for making a determination of eligibility ~~in accordance with Section 4.500~~ or for completing any subsequent review of its eligibility ~~in accordance with Sections 4.209 and 4.210;~~
    - f. Disqualified for receiving Food Assistance benefits in more than one household in the same month ~~in accordance with Section 4.803.3;~~
    - g. Disqualified for being a fleeing felon ~~in accordance with Section 4.304.4;~~

- h. Able-bodied adults without dependents who fail to comply with the requirements of Section 4.310.

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4.609.2 HOUSEHOLD CHANGES DURING THE TRANSITIONAL PERIOD [Rev. eff. 2/1/16]

A. The household is not required to report any changes during the five (5) month transitional period, including changes that put the household over one hundred thirty percent (130%) of the Federal Poverty Level (FPL).

~~B. Household changes that occur in the middle of the transitional period, including information considered verified upon receipt as outlined in Section 4.504.6, E, shall not be acted upon, with the following exceptions:~~

- ~~1. Changes in household composition that result in a household member applying for Food Assistance in another household. The local office must remove any income, resources, and deductible expenses clearly attributable to the departing member.~~
- ~~2. Updates to the Food Assistance eligibility standards that change each October 1 as a result of the annual cost of living adjustments (see Section 4.607).~~
- ~~3. Imposing an intentional program violation disqualification.~~

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4.609.3 CLOSING THE TRANSITIONAL PERIOD [Rev. eff. 2/1/16]

In the final month of the transitional period, the household must undergo the recertification process to determine the household's continued eligibility and benefit amount (~~see Section 4.209~~).

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4.609.4 HOUSEHOLDS WHO RETURN TO COLORADO WORKS DURING THE TRANSITIONAL PERIOD [Rev. eff. 2/1/16]

If a household receiving Transitional Food Assistance returns to Colorado Works during the transitional period, the local office shall complete the recertification process for Food Assistance to determine the household's continued eligibility and benefit amount (~~see Section 4.209~~). If the household remains eligible for Food Assistance, the household shall be assigned a new certification period ~~in accordance with Section 4.208.1~~.

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4.609.5 HOUSEHOLDS WHO REAPPLY FOR FOOD ASSISTANCE DURING THE TRANSITIONAL PERIOD [Rev. eff. 2/1/16]

A. At any time during the transitional period, the household may submit an application for recertification to determine if the household is eligible for a higher Food Assistance allotment. In determining if the household is eligible for a higher allotment, all changes in household circumstances shall be acted upon.

1. If the household is determined eligible for a benefit lower than its transitional benefit, the local office shall encourage the household to withdraw its application for recertification and continue to receive transitional benefits. If the household chooses not to withdraw its application, the local office shall deny the application and allow the transitional period to run its course.
2. If the household is eligible for benefits higher than its transitional benefit amount, the increased benefits shall take effect with the first day of the month following the month in which the reapplication was received. The transitional certification period shall be ended, and the household shall be assigned a new certification period that begins with the first day of the month following the month in which the household submitted the application for recertification. ~~The new certification period shall be assigned in accordance with Section 4.208.4~~

B. If a household applies for recertification during its transitional period, the local office shall observe the following procedures:

1. The local office must schedule and complete an interview ~~IF ONE HAS NOT BEEN COMPLETED WITHIN THE PREVIOUS 12 MONTHS in accordance with 4.204 and 4.209, D.~~
2. The local office must provide the household with a notice of required verification ~~in accordance with Section 4.500, C, and provide the household a minimum of ten (10) calendar days to provide the required verification in accordance with Section 4.209.1, D, 3.~~
3. Households shall be notified of their eligibility or ineligibility as soon as possible, but no later than thirty (30) calendar days following the date the application was filed.
  - a. If the local office does not determine a household's eligibility within thirty (30) calendar days following the application date, then the local office shall continue processing the application while continuing the household's transitional benefits. ~~See Section 4.205.3 for delays in processing.~~
  - b. If the application process cannot be completed because the household failed to take a required action, the local office may deny the application at that time or at the end of the thirty (30) calendar days.
  - c. If the household is determined to be ineligible, the local office shall deny the household's application for recertification and continue the household's transitional benefits to the end of the transitional benefit period, at which time the local office shall recertify the household in accordance with Section 4.209.

~~C. Applications for recertification submitted in the fifth month of the transitional period must be processed in accordance with recertification procedures contained within Section 4.209.~~

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4.609.6 TRANSITIONAL NOTICE REQUIREMENTS [Rev. eff. 2/1/16]

When a household is approved for Transitional Food Assistance, the household shall be notified of the following information:

- A. A statement informing the household that it will be receiving transitional benefits and the length of its transitional period; and,

- B. A statement informing the household that it has the option of applying for recertification at any time during the transitional period. The household must be informed that if it does not apply for recertification during the transitional period, then at the end of the transitional period the household must undergo the recertification process; and,
- C. A statement that if the household returns to Colorado Works during its transitional benefit period, the household must undergo the recertification process to determine the household's continued eligibility and Food Assistance allotment for Food Assistance; and,
- D. A statement explaining any changes in the household's benefit amount due to the loss of Colorado Works basic cash assistance or due to changes outlined in Section 4.609.1, B and C; and,
- E. A statement informing the household that it is not required to report and provide verification for any changes in household circumstances until the household completes the recertification process ~~as required by Section 4.609.3~~; and,
- F. A statement informing the household that the local office will not act on changes that the household reports during the transitional period ~~prior to the deadline specified in Section 4.609.3, E,~~ and that if the household experiences a decrease in income or an increase in expenses or household size prior to that deadline, the household should apply for recertification.

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#### 4.702.1 Eligibility for Restoration of Lost Benefits

- A. To be eligible for restored benefits, the household must have had its Food Assistance benefits wrongfully delayed, denied, or terminated. Delay shall mean that an eligibility determination was not accomplished within PROCESSING TIMEFRAME STANDARDS ~~the prescribed time limits set forth in Sections 4.205, 4.209.1 or 4.210.~~
- B. A restoration of benefits is warranted when a household has received fewer benefits than it was eligible to receive due to:
  1. An error by the local office;
  2. A court decision overturning or reversing a disqualification for intentional program violation; or,
  3. A determination by a court that the household should have received more benefits than it received during a given issuance period.
- C. In the event that a restoration is warranted ~~according to the provisions in paragraph b of this section,~~ benefits shall be restored for not more than twelve (12) months prior to whichever of the following occurred first:
  1. The date the local office was notified, in writing or orally, by the household or by another person or agency that a household received fewer benefits than it was eligible to receive;

2. The date the local office discovers through the normal course of business that an error occurred which lead to the loss of benefits for a specific household; or,
3. The date the household requested a fair hearing to contest the adverse action that resulted in the loss.

When determining the months for which a household may be entitled to restorations, month one (1) shall be the month prior to the month in which the error was discovered.

D. If the restoration is the result of a judicial action, the amount to be restored shall be determined as follows:

1. If the judicial action is the first action the household has taken to obtain a restoration of lost benefits, then benefits shall be restored for a period of not more than twelve (12) months prior to the date the court action was initiated.
2. If the judicial action is a review of an action taken by the local office, the benefits shall be restored for a period of no more than twelve (12) months prior to the first of either:
  - a. The date the local office was notified by the household or by another person or agency in writing, or orally, of the possible loss to the household, or,
  - b. The date the household requested a fair hearing.

E. In no case shall benefits be restored for more than twelve (12) months prior to the date the local office is notified of, or discovers, the loss. Benefits shall be restored even if the household is currently ineligible.

F. In the event that the State orders a reduction or cancellation of benefits, those households whose allotments are reduced or cancelled as a result of the enactment of those procedures are not entitled to restoration of lost benefits ~~unless the Secretary of Agriculture orders the State to restore reduced or cancelled benefits to affected households at a later date.~~ If the Secretary of Agriculture directs the State to restore reduced or cancelled benefits, the local office shall work promptly to issue such benefits.

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#### 4.702.2 Disputed Benefits

A. If a household does not agree with any action taken by the local office to restore lost benefits or the amount of benefits determined to have been lost, the household may request a fair hearing within ninety (90) calendar days of the notice to the household of entitlement to a restoration. If such a request is made before or during the time period for which lost benefits are being restored, the local office will continue to issue the under-issued benefits pending the decision of the fair hearing. Once a final decision is reached, the local office shall restore benefits in accordance with the decision.

B. If the household requests a fair hearing to dispute the local office's determination that the household is not eligible for restored benefits, restored benefits for the period in question shall not be issued to the household while awaiting the final agency decision.

~~C. Benefits lost more than twelve (12) months prior to the date that the local office was notified that a household received less benefits than it was eligible to receive shall not be eligible for restoration.~~



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4.702.4 Errors by the Social Security Administration (SSA) Office

The local office shall restore to the household any benefits lost as the result of an error by the local office or by the Social Security Administration through joint processing. ~~Lost benefits shall be restored in accordance with Section 4.702.1.~~

Benefits shall be restored back to the date of an applicant's release from a public institution if, while in the institution, the applicant jointly applied for SSI and Food Assistance, but the local office was not notified on a timely basis of the applicant's release.

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4.703 CALCULATING LOST BENEFITS

After correcting the loss for future months and excluding those months which occurred prior to the twelve (12) month restriction ~~outlined above at 4.702.2, C,~~ the following method will be used to calculate the amount of benefits to be restored:

- A. If the household was eligible but received an incorrect allotment, the loss of benefits shall be calculated only for those months the household participated. If the loss was caused by an incorrect delay, denial, or termination of benefits, the month the loss initially occurred will be calculated as follows:
  - 1. If an eligible household's application was erroneously denied, the month the loss initially occurred shall be the month of application or for an eligible household filing a timely reapplication, the first month of the new certification period.
  - 2. If an eligible household's application was delayed, the months for which benefits may be lost shall be calculated ~~in accordance with Section 4.702.1.~~
  - 3. If a household's benefits were erroneously terminated, the month the loss initially occurred shall be the first month benefits were not received as a result of the erroneous action.
- B. After computing the date the loss initially occurred, the loss shall be calculated for each month subsequent to that date until either the first month the error is corrected or the first month the household is found ineligible, not to exceed twelve (12) months prior to the date the loss was discovered ~~per Section 4.702.2, C.~~

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4.801 CLAIMS AGAINST HOUSEHOLDS

A claim shall be established, ~~in accordance with the provisions of this section,~~ when a household is over-issued benefits. An over-issuance means the amount by which Food Assistance benefits issued to a household exceeds the amount the household was eligible to receive.

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4.801.1 Classification of Claims

Claims shall be classified as follows:

- A. "Agency Error Claims" - A claim shall be handled as an agency error claim if the over-issuance is caused by an error on the part of the local office. Instances that may result in an agency error claim include, but are not limited to, the following:

1. The local office failed to take prompt action on a change reported by the household;
2. The local office incorrectly computed the household's income or deductions, or otherwise assigned an incorrect allotment;
3. The local office continued to provide a household Food Assistance benefits after its certification period expired without a redetermination of eligibility ~~in accordance with Sections 4.209 and 4.209.1.~~
4. The local office failed to provide a household a reduced level of Food Assistance benefits when its public assistance grant changed.

B. "Inadvertent Household Error Claims" - A claim shall be handled as an inadvertent household error claim if the over-issuance was caused by a misunderstanding or unintentional error on the part of the household. Instances that may result in an inadvertent household error claim include, but are not limited to, the following:

1. The household unintentionally failed to provide the local office with correct or complete information.
2. The household unintentionally failed to report changes in its household circumstances.
3. The household unintentionally received benefits or more benefits than it was entitled to receive pending a fair hearing decision because the household requested a continuation of benefits based on the mistaken belief that it was entitled to such benefits.
4. The household was receiving Food Assistance solely because of basic categorical eligibility and the household was subsequently determined ineligible for Colorado Works or Supplemental Security Income (SSI) during the time that the benefits were being received. The claim must be based on a change in net income and/or household size.
5. The Social Security Administration failed to take action that resulted in the household's basic categorical eligibility and improper receipt of SSI. The claim must be based on change in net income and/or household size.

C. "Intentional Program Violation/Fraud Claims" - A claim shall be handled as an intentional program violation/fraud claim only if:

1. An administrative disqualification hearing official or a court of appropriate jurisdiction has found a household member has committed intentional program violation or fraud; or,
2. A signed waiver of intentional program violation is received; or,
3. A signed disqualification consent agreement has been obtained.

Prior to a waiver or consent agreement being signed or the determination of intentional program violation/fraud, the claim against the household shall be handled as an inadvertent household error claim.

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#### 4.801.2 Establishing Claims Against Households [Rev. eff. 1/1/16]

A. Establishing a Claim

1. The local office shall establish claims in accordance with the thresholds outlined below.
  - a. For participating households, the county department shall not establish a claim

for overpayment due to Administrative Error (AE) or Inadvertent Household Error (IHE), except in the following circumstances:

- 1) When the amount of the claim is greater than \$200; or,
- 2) When the overpayment is identified through a federal or state level quality control review; or,
- 3) When the inadvertent household error claim is being pursued as an intentional program violation, except that if the inadvertent household error claim does not result in an IPV, collection shall not be pursued.

b. For households not participating in the food assistance program, the county department shall not establish a claim for overpayment except in the following circumstances:

- 1) When the amount of the claim is greater than \$400; or,
- 2) When the amount of the claim is due to an inadvertent household error and is greater than \$200; or,
- 3) When the overpayment is identified through a federal or state level quality control review.

An administrative error claim shall not be established for a period more than twelve (12) months from the date the local office was notified, in writing or orally, or discovered through the normal course of business that an error occurred which led to the household receiving more benefits than it was entitled to receive, excluding over-issuances identified through a federal or state quality control review.

An over-issuance of benefits identified through a federal or state quality control review shall be established, regardless of the amount and length of the overpayment.

2. Claims shall be established for benefits that are trafficked. The trafficking of benefits means:

- a. The buying, selling, stealing, or otherwise AFFECTING ~~effecting~~ an exchange of Food Assistance benefits issued and accessed via Electronic Benefit Transfer 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; or,
- b. The exchange of Food Assistance benefits or EBT cards for firearms, ammunition, explosives, or controlled substances; or,
- c. A Food Assistance participant, including the participant's designated authorized representative, who knowingly transfers Food Assistance benefit to another who does not, or does not intend to, use the Food Assistance benefits for the Food Assistance household for whom the Food Assistance benefits were intended; or,
- d. The reselling of food that was purchased with Food Assistance benefits for cash; or,
- e. Obtaining a cash deposit when returning water or other containers that were purchased with Food Assistance benefits. Purchasing water containers is an eligible food item that can be paid for with Food Assistance benefits; however, when the container is returned, the deposit should be returned to the client's EBT card and not given to the client in cash; or,

- f. Attempting to buy, sell, steal or otherwise affect an exchange of Food Assistance benefits and accessed via Electronic Benefit Transfer (EBT) cards, card numbers and personal identification numbers (PINs), or by manual voucher and signatures or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone.

3. Claims shall be established against the following individuals:

- a. All adult household members age eighteen (18) years of age or older at the time the over-issuance occurred, even if one or more of the adult household members are participating in another Food Assistance household at the time the claim is established;
- b. A person connected to the household, such as an authorized representative, who actually traffics or otherwise causes an over-issuance to occur.

B. Time Frame to Establish a Claim

Local offices shall establish all claims before the last day of the quarter following the quarter in which the overpayment or trafficking incident was discovered.

- 1. The discovery date for AE claims is the date that the local office was notified, in writing or orally, or discovered through the normal course of business that an agency error occurred that caused the household to receive more benefits than it was entitled to receive.
- 2. The discovery date for IHE and IPV non-trafficking claims shall be the date that verification used to calculate the over-issuance is obtained.
- 3. The discovery date for claims resulting from trafficking is the date of the court decision or the date the household signed a waiver of administrative disqualification hearing form or a disqualification consent agreement.

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4.801.3 Calculating the Amount of a Claim [Rev. eff. 1/1/16]

A. Compromising Claims

If the full amount or remaining amount of an administrative error or inadvertent household error claim cannot be liquidated in three (3) years, the local office may compromise the claim by reducing it to an amount that will allow the household to pay the claim in three (3) years. Intentional program violation claims shall not be compromised, unless specified in a court decision. The local office may use the full amount of the claim, including any amount compromised, to offset lost benefits. Decisions regarding compromises shall be documented in the case record.

A payment plan on a claim that has been compromised may be renegotiated if necessary. Claims that are already reduced by either an administrative or district court order are considered compromised claims, and thus are not eligible for additional compromise.

Local offices shall review the circumstances of a household that requests a compromise and determine if a compromise would be appropriate. Local offices do not have the option of refusing to consider compromising claims. Local offices cannot institute a policy of never compromising claims.

Claims should be compromised if the household demonstrates need, such as the inability to repay the claim within three (3) years, or if the household proves that financial, physical, or mental hardship would exist if forced to pay the full amount of the original claim. Some circumstances include, but are not limited to medical hardships, high shelter costs, loan payments, and other extraordinary expenses. A compromise based on hardship may be applied to a Food Assistance case whether or not the household is still receiving Food Assistance benefits.

Consideration should be given to the future earning potential of the household over the next three (3) years to pay back the claim based on age, disability, and other household factors.

B. Claims Resulting from Trafficking

The value of claims resulting from trafficking related offenses is the value of the trafficked benefits as determined by the individual's admission, through adjudication, or the documentation that forms the basis for the trafficking determination. Documentation could include such items as notarized statements or printouts from the Electronic Benefit Transfer (EBT) systems.

C. Agency Error and Inadvertent Household Error Claims

1. If the household received a larger allotment than it was entitled to receive, the local office shall establish a claim against the household that is equal to the difference between the allotment that the household received and the actual allotment it should have received, ~~in accordance with the thresholds outlined in Section 4.801.2, A.~~ Benefits authorized under Colorado Electronic Benefits Transfer System (CO/EBTS) shall be used to calculate the claim.

~~After calculating the amount of a claim and establishing claims in accordance with the thresholds outlined in Section 4.801.2, A,~~ the local office may offset the amount of the claim against any amounts which have not yet been restored to the household. ~~See Section 4.702.~~ Expungements and any return of benefits that occur shall be used to offset the amount of the claim.

2. The claim may also be offset against restored benefits owed to:
  - a. Any household that contains a member who was an adult member of the original household;
  - b. Any household that contains an authorized representative that caused the overpayment or trafficking.
  - c. In no circumstance, may the local office collect more than the amount of the claim.
3. The Food Assistance office shall calculate the amount of an agency error or inadvertent household error claim back to the month the over-issuance occurred. However, in no event shall the amount of the administrative error claim be calculated for any period prior to one (1) year from the date the local office was notified, in writing or orally, or discovered through the normal course of business, that an error occurred which led to the household receiving more benefits than it was entitled to receive. All other claims shall be established for a period no greater than six years from the date the agency discovered the overpayment. ~~See Section 4.801.2, B, for when a claim is considered discovered.~~
4. For households eligible under basic categorical eligibility, a claim shall only be determined when it can be computed on the basis of changed household net income and/or household size. A claim shall not be established if there was not a change in net income and/or household size.

If a household receives both Temporary Assistance for Needy Families (TANF) and Food Assistance and mis-reports information to TANF in accordance with the TANF reporting requirements, and the mis-report of information to TANF resulted in the household being over paid TANF or ineligible for TANF, any resulting Food Assistance claim should be based on the actual TANF issued.

5. The correct allotment shall be calculated using the same methods applied to an actual certification. The twenty percent (20%) earned income deduction shall not be applied to that part of any earned income that the household failed to report in a timely manner when this act is the basis for the claim; therefore, any portion of the claim that is due to earned

income being reported in an untimely manner will be calculated without allowing the twenty percent (20%) earned income deduction. The actual circumstances of the household shall be used to calculate the claim. In instances when a claim is caused by the household's failure to report information as required, the amount of the claim is based on the allotment difference from what the household actually received compared to what the household would have received if the household would have reported the information as required. For example, if a simplified reporting household did not report income at initial application as required, the income used to calculate the overpayment would be the income that the household actually received in the month of application, as this would have been used to determine the household's ongoing monthly amount. Actual income received each subsequent month is not required to calculate each month of the claim, as any fluctuation in monthly income that was received by the household after the initial month of application was not required to be reported by the household. If the household failed to report a change in household circumstances that would have resulted in an increase in benefits during the time period of the claim, the local office shall act on the change in information as of the date the change was reported to the local office in accordance with Section 4.602.

6. WHEN A HOUSEHOLD CERTIFIED BELOW 130% FPL FAILS TO REPORT AN INCREASE IN HOUSEHOLD INCOME OVER 130% FPL ~~In cases involving reported changes,~~ the local office shall establish the claim for each month in which ~~the error would have affected the household's~~ AN OVER-ISSUANCE OF Food Assistance HAS OCCURRED allotment.
  - a. In cases involving household failure to report aN INCREASE IN INCOME ~~change in circumstances~~ within the required timeframes, the first (1st) month affected by the household's failure to report shall be the first (1st) month in which the change would have been effective had it been timely reported. However, in no event shall the determination of the first (1st) month in which the change would have been effective be any later than two (2) months from the month in which the change occurred. For purposes of calculating the claim, the local office shall assume that the change would have been reported properly and timely acted upon by the local office.
  - b. If the household timely reported aN INCREASE IN INCOME ~~change~~ but the local office failed to act on the change within the required timeframes, the first (1st) month affected by the local office's failure to act shall be the first (1st) month the office would have made the change effective had it acted timely. If a Notice of Adverse Action was required, the local office shall assume, for the purpose of calculating the claim, that the Notice of Adverse Action period ~~described within Section 4.608~~ would have expired without the household requesting a fair hearing.

D. Intentional Program Violation Claims

1. Prior to a waiver or consent agreement being signed or the determination of intentional program violation/fraud, the claim being pursued as an intentional program violation claim shall be pursued as an inadvertent household error claim. ~~Thresholds prescribed in Section 4.801.2, A, do not apply to IPV/fraud claims.~~
2. For each month that a household received an over-issuance due to an act of intentional program violation/fraud, the local office shall determine the correct amount of Food Assistance benefits, if any, the household was entitled to receive. The amount of the intentional program violation/fraud claim shall be calculated back to the month the intentional program violation occurred. However, in no event shall the amount of the claim be calculated for any period prior to six (6) years from the date the intentional program violation was discovered. If the household member is determined to have intentionally failed to report a change in its household's circumstances, the claim shall be established for each month in which the failure to report would have affected the household's Food Assistance allotment.

3. Once the amount of the intentional program violation/fraud claim is established, the local office shall offset the claim against any amount of lost benefits that have not yet been restored to the household.

E. Court Actions

In cases where a household member was found guilty of fraud by a court of appropriate jurisdiction, the local office should request that the matter of restitution be brought before the court or addressed in the agreement reached between the prosecutor and individual.

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4.801.4 Collecting Payments on Claims [Rev. eff. 1/1/16]

A. Claim Liability

1. Liable Individuals

All adult household members age eighteen (18) years or older at the time the over-issuance occurred, sponsors, or other persons, such as an authorized representative who actually trafficked or otherwise caused an overpayment or trafficking to occur, that are connected with the household shall be jointly and severally liable for the value of any over-issuance of benefits to the household.

2. Initiating Collection Action

- a. Local offices shall initiate collection action against any and all of the adult members or persons connected to the household at the time an over-issuance occurred. Under no circumstances shall the office collect more than the amount of the claim.
- b. The local office may pursue collection action against any household that has a member that was connected to the household that received or created an over-issuance.
- c. The local office shall initiate collection action for an unpaid or partially paid IPV claim even if collection action was previously initiated against the household while the claim was being handled as an inadvertent household error claim. Collection action shall be initiated unless the household has already repaid the over-issuance as a result of an inadvertent household error demand letter or the local office has documentation that shows the household cannot be located.
- d. ~~Local offices can suspend or terminate collection activity in accordance with Sections 4.801.42 and 4.801.43.~~

B. Postponing Collection Action

Collection action on inadvertent household error claims may be postponed in cases where an over-issuance is being referred to an administrative disqualification hearing or a court of appropriate jurisdiction, and the local office determines that collection action will prejudice the case.

For cases in which the household is appealing an agency error or inadvertent household error claim, collection action shall be suspended pending a final decision (see Section 4.801.42). A household's appeal may include, but not be limited to, the establishment of the claim, the amount of the claim, and/or the household's liability to repay the claim.

C. Notifying a Household of a Claim

1. Notice of Over-Issuance and Repayment Agreement

Local offices shall initiate collection action on agency error and inadvertent household error claims by sending the household a State-prescribed written demand letter for the over-issuance. The letter shall inform the household of its rights and responsibilities concerning repayment of the claim as well as providing information on the availability of free legal services. All households that owe a claim shall be sent a demand letter. If the claim or the amount of the claim was not established at a fair hearing, the state agency must provide the household with a one-time notice of adverse action.

If the hearing official determines that a claim does, in fact, exist against the household, the household must be re-notified of the claim. The demand for payment may be combined with the notice of the hearing decision. Delinquency must be based on the due date of this subsequent notice and not on the initial pre-hearing demand letter sent to the household.

2. Calculation of Claim

The local office shall mail the household an explanation of how the claim was calculated, showing each individual month and the cause for the claim. The State-prescribed form shall be used to determine and calculate the amount of the claim and to notify the household of the calculation. The form shall be mailed on a schedule that coincides with the mailing of the automated demand letter.

D. Negotiating Payment Plans

Households participating in the program are subject to allotment reduction in accordance with Section 4.801.41, B, unless the claim is being collected at a higher amount.

If a household is not participating in the program, then the local office shall negotiate a payment schedule with the household, ~~as outlined in this section~~, for repayment of any amounts of the claim not repaid through a lump sum payment.

If a household is subject to allotment reduction, then a repayment agreement is not necessary unless the household wants to make voluntary payments in addition to the allotment reduction or elects to make monthly payments in amount greater than what would be repaid through allotment reduction.

1. Establishing a Payment Plan

The local office shall negotiate a payment schedule with the household for repayment of any amounts of the claim not repaid through a lump sum payment or through allotment reduction. Payments shall be accepted in regular installments. The household may use Food Assistance benefits as full or partial payment of any installment. The local office shall ensure that the negotiated amount of any payment schedule to be repaid each month through installment payments is not less than the amount that could be recovered through an allotment reduction. Once negotiated, the amount to be repaid each month through installment payments shall remain unchanged regardless of subsequent changes in the household's monthly allotment. However, both the local office and the household shall have the option to initiate renegotiation of the payment schedule if they believe that the household's economic circumstances have changes enough to warrant such action.



2. Household's Failure to Respond to the Repayment Agreement
  - a. If the household against which collection action has been initiated for repayment of an inadvertent household or agency error or intentional program violation claim is currently participating in the program and does not respond to the written demand letter within ten (10) calendar days of the date the notice is mailed, benefit allotment reduction shall begin with the first (1st) allotment issued ten (10) calendar days from the date given to respond without further notice. A household that does not pay the claim amount in full by the deadline will have allotment reduction begin with the next allotment issued.
  - b. If the household is not participating in the program when collection action for claim is initiated or if collection action has been initiated for repayment of a claim and no response is made to the first (1st) demand letter, additional demand letters shall be sent at reasonable intervals, such as thirty (30) calendar days apart. The demand letters shall be sent until the household responds by paying or agreeing to pay the claim, until the criteria for suspending collection has been met or until the local office initiates either collection actions.
  - c. If the household responds by requesting renegotiation of the amount of its repayment schedule within ten (10) calendar days from the date the notice is mailed but the local office believes that the household's economic circumstances have not changed enough to warrant the requested settlement, allotment reductions may be invoked.

3. Household's Failure to Pay in Accordance with Payment Plan

- a. If the household fails to make a payment in accordance with the established repayment schedule either by making a payment of a lesser amount or by making no payment, the local office shall send the household a notice that:
  - 1) Explains that no payment or an insufficient payment was received;
  - 2) Informs the household that it may contact the local office to discuss renegotiation of the payment schedule;
  - 3) Informs the household that unless the overdue payments are made or the local office is contacted to discuss renegotiation of the payment schedule, the allotment of a currently participating household against which a claim has been established shall be reduced.
- b. If the household responds to the notice, the local office shall take one of the following actions as appropriate:
  - 1) If the household makes the overdue payments and wishes to continue payments based on the previous schedule, the local office shall permit the household to do so, but shall also require the household to sign a new repayment agreement;
  - 2) If the household requests renegotiation and the local office concurs with the request, the local office shall negotiate a new payment schedule.

E. Determining Delinquency

1. Claims shall be considered delinquent under the following circumstances:

- a. If a claim has not been paid by the due date on the demand letter or a satisfactory payment arrangement has not been made. The claim shall remain delinquent until payment is received in full, an allotment reduction is invoked, or a new repayment schedule is negotiated. The date of delinquency for such claims is the due date on the initial demand letter.
  - b. If a satisfactory payment arrangement has been made for a claim and payment has not been received by the due date specified in the established repayment schedule, the date of delinquency for such claims is the due date of the missed installment payment, unless the claim was delinquent prior to entering into a repayment agreement, in which case the due date will be the due date on the initial demand letter. The claim will remain delinquent until payment is received in full, allotment reduction is invoked, or once the local office resumes or re-negotiates the repayment schedule.
  - c. For purposes of the Federal Treasury Offset Program (TOP), a delinquent claim is one (1) which is past due more than one hundred eighty (180) calendar days.
2. Claims shall not be considered delinquent under the following circumstances:
- a. If another Food Assistance claim for the same household is currently being paid, either through an installment agreement or an allotment reduction, and the local office expects to begin collection on the claim once the prior claim(s) is settled;
  - b. If collection is coordinated through the court system and the local office has limited control over collection action;
  - c. If a household timely requests a fair hearing on the existence or amount of the claim and the local office suspends collection action pending a final agency decision. A claim awaiting a fair hearing decision shall not be considered delinquent (~~see Section 4.801.42~~).

If the hearing officer determines that a claim does in fact exist against the household, the household shall be sent another demand letter. Delinquency shall be based on the due date of this subsequent demand letter and not on the initial pre-hearing demand letter sent to the household. If the hearing officer determines that a claim does not exist, the claim is deleted shall be terminated and all collection activity ceased (~~see Section 4.801.43~~).

F. Joint Collections Received for a Combination Food Assistance and Public Assistance Claim

An unspecified joint collection is when funds are received in response to correspondence or a referral that contained both the Food Assistance and other program claims, and the debtor does not specify to which program to apply the payment. The local office shall ensure that unspecified joint collections are pro-rated among the programs involved. When an unspecified joint collection is received for a combined public assistance and Food Assistance claim, each program shall receive its pro-rated share of the amount collected.

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**4.801.41** Methods of Collecting Payment on Claims [Rev. eff. 1/1/16]

The local office shall collect claims through one of the following methods:

A. Lump Sum

The local office shall collect payments for total or partial payments of a claim in one lump sum if the household is financially able to pay the claim; however, the household shall not be required to liquidate all of its resources to make this repayment. If the household requests to make a lump sum cash and/or food benefit payment as full or partial payment of the claim, the local office shall accept this method of payment.

B. Food Assistance Allotment Reduction

1. The local office shall collect payments for claims from households currently participating in the Program by reducing the household's Food Assistance allotment. For claims where there is a court-ordered judgment for repayment, allotment reduction shall not occur. Prior to reduction, the local office shall inform the household of:
  - a. The appropriate formula for determining the amount of Food Assistance to be recovered each month; and,
  - b. The amount of Food Assistance the local office expects will be recovered each month; and,
  - c. The availability of other methods of repayment.
2. The household's allotment will be reduced based on the recoupment amounts for each type of claim, unless a payment schedule has been negotiated with the household. One- and two-person households receiving a minimum allotment, which is eight percent (8%) of the maximum allotment for a one-person household, shall be reduced to a lower benefit level in accordance with Section 4.801.41, C, 2.

The local office may collect on a claim by invoking benefit allotment reduction on two (2) separate households for the same claim. However, the local office is not required to perform this simultaneous reduction.
3. The amount of Food Assistance to be recovered each month through allotment reduction shall be determined as follows:
  - a. For agency error claims and inadvertent household error claims, the amount of Food Assistance to be recovered each month from a household shall either be ten percent (10%) of the household's monthly allotment or ten dollars (\$10) each month, whichever is greater.
  - b. For intentional program violation/fraud claims, the amount of Food Assistance benefit reduction shall either be twenty percent (20%) of the household's monthly allotment or twenty dollars (\$20) per month, whichever is greater. If the household is receiving the minimum allotment, the allotment reduction will be ten percent (10%) or ten dollars (\$10), whichever is greater.
4. Benefits authorized for an initial month will not be reduced to offset a claim. Ongoing benefits will be recouped based on the above criteria.

C. Benefits From an EBT Account

1. A household may pay all or a portion of the claim by using benefits from its EBT account. The office shall obtain written permission from the household to deduct benefits from the EBT account to pay a claim. The written agreement shall be obtained prior to removing benefits from the EBT account and shall include:
  - a. A statement that this collection activity is strictly voluntary;
  - b. The amount of the payment;
  - c. The frequency of the payments (i.e., whether monthly or one (1) time);
  - d. The length of the agreement;
  - e. A statement that the household may revoke this agreement at any time.
2. If the household provides oral permission, the local office can make a one-time deduction from an active EBT account for a one (1)-time reduction. The county shall provide the household with a written receipt within ten (10) business days. The receipt shall contain the information used for an active EBT account and indicate that this is a one-time reduction.
3. When a local office pursues payment on a claim by applying Food Assistance benefits from the household's stale EBT account, prior written notice shall be given to the household of the existing stale EBT account that may be applied to an outstanding claim. The county shall notify the household that the benefits will be applied to the claim unless the household objects to this offset. The household must be given ten (10) calendar days to object before the benefits can be applied as a payment to the claim. A stale EBT account means an account that has benefits but has not been accessed for at least three (3) consecutive calendar months.

D. Offset Against Taxpayer's State Income Tax Refund

1. ~~In accordance with Sections 26-2-133, C.R.S. and 39-21-108, C.R.S.,~~ The state and county departments may recover overpayments of public assistance benefits through the offset (intercept) of a taxpayer's state income tax refund. Rent rebates are subject to the offset procedure. This method may be used to recover overpayments that have been:
  - a. Determined by final agency action, or,
  - b. Ordered by a court as restitution, or,
  - c. Reduced to judgment.
2. Pre-Offset Notice

Prior to certifying the taxpayer's name and other information to the Department of Revenue, the Colorado Department of Human Services shall notify the taxpayer in writing at his or her last known address that the state intends to use the tax refund offset to recover the overpayment. The pre-offset notice shall include the name of the local office claiming the overpayment, a reference to Food Assistance as the source of the overpayment, and the current balance owed.

3. Household Objection to Pre-Offset Notice

The taxpayer is entitled to object to the offset by filing a request for a local-level conference or state-level hearing within thirty (30) calendar days from the date that the state department mails its pre-offset notice to the taxpayer. ~~In all other respects, the procedures applicable to such hearings shall be those that are stated in Section 4.802.6.~~ At the hearing on the offset, the county department or Administrative Law Judge shall not consider whether an overpayment has occurred, but may consider, if raised by the taxpayer in his or her request for a hearing, whether:

- a. The taxpayer was properly notified of the overpayment;
- b. The taxpayer is the person who owes the overpayment;
- c. The amount of the overpayment has been paid or is incorrect;
- d. The debt created by the overpayment has been discharged through bankruptcy;
- e. Other special circumstances exist as described in Section 4.801.42.

E. Federal Treasury Offset Program (TOP)

The Treasury Offset Program, including the Federal Salary Offset Program (FSOP), is a mandatory government-wide delinquent debt matching and payment offset system in which the Colorado Food Assistance Program participates.

The Treasury Offset Program allows collection of delinquent debts by intercepting any allowable payment from the federal government. Federal payments eligible for offset include federal income tax refunds, federal employee salary, federal retirement payments (including military), contractor or vendor payments, and federal benefits such as Social Security and railroad retirement.

1. Claims Submitted for Offset

- a. A delinquent claim may be submitted to the USDA, Food and Nutrition Service (FNS) for the Treasury Offset Program (TOP). In order to submit a claim to the Federal Treasury Offset Program, the claim must be determined to be past due and legally enforceable. To determine that a claim is past due and legally enforceable, it must be determined that notification and collection attempts have taken place.
- b. For purposes of the Federal Treasury Offset Program (TOP), a delinquent claim is one which is past due more than one hundred eighty (180) calendar days.
- c. A claim is not considered delinquent if a fair hearing is pending concerning the claim; or the claim has either been discharged by bankruptcy or is subject to the automatic stay of the bankruptcy; or the claim is not considered delinquent as described within Section 4.801.4, E, 2.

2. Processing Fee

TOP, including the Federal Salary Offset Program (FSOP), is authorized to apply a processing fee each time a successful offset for collection occurs. Federal payroll offices participating in the TOP process may add another separate processing fee. The delinquent Food Assistance debtor is responsible for the fee each time it is applied. A TOP offset taken in error and later refunded will have the processing fee refunded, except for partially refunded offsets.

3. Notifying a Household of the Treasury Offset Program

At the time delinquent debts are sent to be certified to the FNS for the intercept by the Federal Treasury Offset Program, all delinquent debts for each individual are sent at one time. Prior to a claim being certified to the Food and Nutrition Service as a debt owed the local office, the individual shall be mailed an offset notice. The notice shall provide the following information:

- a. The local office has documentation that the individual identified with his or her Social Security Number (SSN) is liable for the specified unpaid balance of the claim; and,
- b. The individual has been notified about the claim and prior collection efforts have been made. The claim is past due and legally enforceable. All adults are liable for the overpayment of Food Assistance if they were household members when the Food Assistance benefits were over-issued. False statements concerning such liability may subject individuals to legal action (see Section 4.801.4, A); and,
- c. Debts over one hundred eighty (180) days delinquent to be referred to the Treasury for an administrative offset. The local office intends to refer the claim within sixty (60) days of the date of the notice unless the individual makes other repayment arrangements acceptable to the local office; and,
- d. Instructions on how to pay the claim, including the name, address, and telephone number of a person in the county who can discuss the claim and the intended offset with the individual; and,
- e. The individual is entitled to request a review of the debt's eligibility for referral to TOP. Individual review requests must be honored, regardless of whether they are received after the deadline requested. Claims that are currently under review will not be referred for the tax intercept.
- f. The notice shall include all claims for the household that are to be certified to TOP.

4. The individual may document any legitimate reason that the claim is not past due or legally enforceable.

5. The individual should contact the local office if he or she believes that a bankruptcy proceeding prevents collection of the claim or if the claim has been discharged in bankruptcy.

6. In some circumstances, the married individual may want to contact IRS before filing his/her income tax return. This is true if the individual is filing a joint return and his or her spouse is not responsible for the Food Assistance claim, and has income and withholding and/or estimated federal income tax payments. In such cases, the spouse may receive his or her portion of any joint return based on procedures prescribed by the IRS.
7. A federal employee may have his or her net disposable pay subject to garnishment under the offset. The Treasury may garnish up to fifteen percent (15%) of the net disposable pay. A federal employee may petition for a hearing only at the federal level to dispute the existence or the amount of the claim. The hearing occurs after the review period at the state-level and the subsequent submission to the Treasury as a valid offset.
8. The Office of Appeals within the Colorado Department of Human Services will review the proposed offset. The Office of Appeals shall find that the claim is past due and legally enforceable unless the household can provide documentation to show:
  - a. The claim is not delinquent or was already paid, and the individual provides proof of payment.
  - b. The individual is not the person that is liable for the claim.
  - c. A bankruptcy action prohibits collection of the claim because the automatic stay under Section 362 of the Bankruptcy Code is in effect with respect to the individual or his or her spouse, or that the claim was discharged by a bankruptcy proceeding.
  - d. There is some other reason that the claim is not delinquent or is not legally enforceable.
9. The decision by the Office of Appeals will be issued by means of written findings regarding the review. The written findings shall include notice to the individual who requested the review regarding the following:
  - a. If the Office of Appeals determines that the claim is past due and legally enforceable:
    - 1) The individual shall be notified that the claim will continue to be referred for the offset; and,
    - 2) The individual is entitled to have the Food and Nutrition Service (FNS) review the Office of Appeal's decision. FNS must receive a request to do so within thirty (30) calendar days after the date of the state agency's notice of review decision. A request for FNS review shall include the individual's SSN. The notice shall also provide the address of the regional office including the phrase "Tax Offset Review" in the address.
  - b. If the Office of Appeals determines that the claim is not past due or legally enforceable, it shall notify the individual and the local office that the claim will not be referred for the offset.
  - c. While the Office of Appeals or FNS is conducting a review of the debt, the debt is not eligible for the referral to TOP.

F. Pursuing Other Collection Activities

1. Local offices may pursue other collection actions, as appropriate, to obtain restitution of a claim against any household which fails to respond to a written demand letter for repayment of an agency error or inadvertent household error claim. In cases where a household member was found guilty of fraud by a court of appropriate jurisdiction, the local office may request that the matter of restitution be brought before the court or addressed in the agreement reached between the prosecutor and individual.
2. Other collection actions that the local office may pursue include the use of a collection agent, civil action, or criminal filing.
3. If the local office chooses to pursue other collection actions and the household pays the claim, payments shall be submitted to the Colorado Department of Human Services as required by Section 4.801.8. The local office's retention of recoveries shall be based on the actual amount collected from the household through such collections actions.
4. The local office shall not use other, involuntary collection methods against individuals in a household that is already having its benefit reduced.

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4.802 APPEAL PROCESS

Any household that is aggrieved by any action of the local office affecting the household's participation in the Program may appeal by requesting a local-level dispute resolution conference and/or a state-level fair hearing.

The right of a household to a local-level dispute resolution conference and state-level hearing is primarily to ensure that a proposed eligibility determination or action is valid; to protect the person against an erroneous action concerning benefits; and to ensure reasonable promptness of local office action. The individual may choose to request a local-level dispute resolution conference or bypass the dispute resolution process and appeal directly to the Colorado Department of Personnel and Administration, Office of Administrative Courts (OAC), for a state-level fair hearing.

The Office of Administrative Courts may deny fair hearings to those households that are disputing a mass change, as outlined in Section 4.607 or the fact that a statewide reduction, cancellation, or suspension was ordered per the provisions contained within Section 4.904.4. In such instances, the OAC is not required to hold a fair hearing unless the request is based on the household's belief that the rules were misapplied.

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4.802.2 Continuation of Benefits Pending Final Agency Decision

A. Eligibility for Continuation of Benefits

1. If a household requests a state-level fair hearing or local-level dispute resolution conference any time prior to the effective date of the Notice of Adverse Action and its certification period has not expired, the household's participation in the program shall be continued on the basis authorized immediately prior to the Notice of Adverse Action unless the household specifically waives continuation of benefits.

Households which were not given a ten (10) day advance notice period plus one (1) additional calendar day for mailing time, or five (5) additional calendar days for mailing for households participating in the address confidentiality program (ACP), prior to the effective date of the Notice of Adverse Action shall be given ten (10) calendar days after



the date the notice is mailed to appeal and receive continued benefits unless the household specifically waives continuation of benefits.

2. If a request for an appeal is not made within the times specified above, benefits shall be reduced or terminated as provided in the Notice of Adverse Action. However, if the household established that its failure to make the request within the established timeframe was for good cause, the local office shall reinstate the household's benefits on the basis authorized immediately prior to the Notice of Adverse Action, unless the household indicates it has waived continuation of benefits.
3. When benefits are reduced or terminated as a result of a mass change, participation on the prior basis shall be reinstated only if the issue being contested is that Food Assistance eligibility or benefits were improperly computed or that federal regulations or state rules were misapplied or misinterpreted by the local office.
4. Households appealing a decision based on information reported as part of the redetermination process are not eligible for continued benefits. The benefit allotment that a household is certified to receive shall not be issued beyond the end of the household's assigned certification period without a new determination of eligibility. The household's benefit allotment beginning with the new certification period shall be based on the new review of eligibility.

**B. Household's Requirement to Request a Continuation of Benefits**

If the letter or form requesting an appeal does not positively indicate that the household has waived continuation of benefits, the local office shall assume that continuation of benefits is desired, and the benefits shall be issued accordingly.

**C. Establishing a Claim on Benefits That Were Continued**

If the local office action is upheld by the hearing decision, a claim shall be established against the household for all over-issuances. This includes over-issuances due to the household receiving a continuation of benefits that the household was determined not eligible to receive. Such claims shall be classified as an inadvertent household error claim (~~see Section 4.804.4~~).

**D. The certification office shall promptly inform the household in writing if the benefits are reduced or terminated pending the final agency decision. Once benefits are continued or reinstated, benefits shall not be reduced or terminated prior to the receipt of the final agency decision unless:**

1. The certification period expires. The household may reapply and may be determined eligible for a new certification period with a benefit amount as determined by the local office.
2. The Administrative Law Judge (ALJ) makes a preliminary determination, in writing and at the hearing, that the sole issue is one of federal law or regulation and that the household's claim that the local office improperly computed the benefits or misinterpreted or misapplied such law or regulation is invalid.
3. A change affecting the household's eligibility or basis of issuance occurs while the final agency decision is pending and the household fails to request a hearing after the subsequent Notice of Adverse Action.
4. A mass change affecting the household's eligibility or basis of issuance occurs while the final agency decision is pending. During the fair hearing period, the local office shall adjust allotments to take into account reported changes, information considered verified upon receipt, and mass changes, but not the factors on which the fair hearing is based.

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4.802.21 Households Disputing Restoration of Lost Benefits

- A. The household has the right to appeal through the fair hearing process if the household disagrees with any action taken to grant or restore lost benefits ~~(see Section 4.702.2)~~.
- B. If the local office has determined that a household is entitled to restoration of lost benefits but the household is appealing some action in calculating or restoring the lost benefits, the household shall receive the lost benefits as determined by the local office, pending the hearing results. Once a final agency decision is reached, the local office shall comply with that decision.
- C. To be eligible for restored benefits, the household shall have had its Food Assistance benefits wrongfully delayed, denied, or terminated. The term denial shall include the situation where, through certification office error, the net income was larger than required under proper determination, and because of this improperly set net income, the household was unable to get the proper allotment. Delay shall mean that eligibility determination was not accomplished within the prescribed time limits set forth in Section 4.205.2.

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4.802.51 Management of Local-Level Dispute Resolution Conference

A. General Requirements

The local-level dispute resolution conference shall be conducted on an informal basis. Every effort shall be made to ensure that the applicant or participant household understands the local office's specific reasons for the proposed action and the applicable state department's rules. The local office shall have available at the conference all pertinent documents and records in the case file relevant to the specific action in dispute.

B. Scheduling a Conference

- 1. To the extent possible, the local-level dispute resolution conference shall be scheduled and conducted within the prior notice period. If the local office cannot conduct the conference within this period, for whatever reason, the adverse action in dispute shall be delayed until a conference can be held, unless the household waives continuation of benefits.
- 2. If a conference is requested to attempt to resolve a contested denial of expedited service ~~pursuant to Section 4.205.1~~, it shall be scheduled within two (2) working days of the receipt of the request for a conference unless the household requests that the conference be held later. Prior notice is not required.
- 3. The local office shall provide reasonable notice to the household of the scheduled time and location for the conference, or the time of the scheduled telephone conference. Notice shall be in writing; however, verbal notice may be given to facilitate the dispute resolution process.

C. Location

The local dispute resolution conference shall be held in the county department or agency where the proposed decision is pending and before a person who was not directly involved in the initial determination of the action in question. The local-level conference may be conducted either in person or by telephone. If a telephonic conference is requested, it shall be agreed upon by the applicant or participant. In the event

the household does not speak English or is visually or hearing impaired, an interpreter or translator shall be provided by the local office.

D. County Representatives

The individual who initiated the action in dispute shall not conduct the local-level dispute resolution conference. The county, agency caseworker, or other person who initiated the action in dispute shall attend the local-level conference and present the factual basis for the disputed action. The person designated to conduct the conference shall be in a position which, based on knowledge, experience, and training, would enable him or her to determine if the proposed action is valid.

E. Joint Dispute Resolution Processes

Two (2) or more county departments may establish a joint dispute resolution process. If two or more counties establish a joint process, the location of the conference need not be held in the county or agency taking the action, but the conference location shall be convenient to the applicant or participant.

F. Notice of Dispute Resolution Conference Decision

1. If the additional information presented in the conference proves that the adverse action is not warranted, the case record shall be documented and the Notice of Adverse Action cancelled.
2. At the conclusion of the conference, the person presiding shall reduce to writing the agreement entered into by the parties. Such agreement shall be signed by the parties and/or their representatives and shall be binding upon the parties. A copy of the written decision shall immediately be provided to the applicant or participant and/or his or her representative. The local office shall also forward a copy of the decision to the Colorado Department of Human Services, Food Assistance Program, within five (5) working days of the hearing, regardless of whether or not the client was in agreement with the outcome.
3. In the event the dispute is not resolved, the person presiding shall prepare a written statement indicating that the dispute was not resolved. The decision shall include:
  - a. A statement explaining the applicant or participant's right to request a state-level fair hearing;
  - b. The time limit for requesting a state-level hearing; and,
  - c. If appropriate, a statement that the household's previous benefit amount will continue pending a final state decision in accordance with Section 4.802.2, if appealed to the state within ten (10) calendar days from the date of the conference decision.

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**4.802.61** Hearing Denials or Dismissals

A. The Office of Administrative Courts (OAC) shall not deny or dismiss a request for a hearing unless:

1. The request is not received within the time period specified in Section 4.802.1.
2. The request is withdrawn in writing by the household or its representative; or,
3. The household or its representative fails, without good cause, to appear at the scheduled hearing.

- B. The ALJ shall not enter a default against any party for failure to file a written answer to the notice of hearing, but shall base the initial decision upon the evidence presented at the hearing.
- C. When the Administrative Law Judge dismisses an appeal for reasons other than failure to appear, the decision of the Administrative Law Judge (ALJ) shall be an initial decision, which shall not be implemented pending review by the Office of Appeals and entry of an agency decision.
- D. When an appellant fails to appear at a duly scheduled hearing, having been given proper notice, and without having given timely advance notice to the ALJ of acceptable good cause for inability to appear at the hearing at the time, date and place specified in the notice of hearing, then the appeal shall be considered abandoned, and an order of dismissal shall be entered by the ALJ and served upon the parties by the Office of Administrative Courts. The order of dismissal for failure to appear shall not be implemented pending review by the Office of Appeals and entry of a final agency decision.

The appellant, however, shall be afforded a period of ten (10) calendar days from the date the order of dismissal was mailed, during which the appellant may explain in a letter to the Administrative Law Judge the reason for his or her failure to appear. If the ALJ then finds that there was acceptable good cause for the appellant not appearing, the ALJ shall vacate the order dismissing the appeal and reschedule another hearing date.

If the appellant does not submit a letter seeking to show good cause within a period of ten (10) calendar days, the order of dismissal shall be filed with the Office of Appeals of the State Department. The Office of Appeals shall confirm the dismissal of the appeal by an agency decision, which shall be served upon the parties and the interested Division of the State Department. Within three (3) working days after the effective date of the decision, the local office shall implement necessary actions to provide benefits in the correct amount, to terminate benefits, to recover benefits incorrectly paid, and/or other appropriate actions in accordance with the rules.

If the appellant submits a letter seeking to show good cause and the Administrative Law Judge finds that the stated facts do not constitute good cause, he/she shall enter an initial decision confirming the dismissal. ~~The appellant may file exceptions to the initial decision pursuant to the provisions outlined at Section 4.802.63, D.~~

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**4.802.62** State-Level Hearing Decisions

- A. Decisions of the Administrative Law Judge (ALJ) shall not run counter to Federal law, State Department rule, or state statute, and shall be based on the hearing record.  
  
The exclusive record for an initial decision by the ALJ shall constitute the verbatim transcript or recording of testimony and exhibits, or an official report containing the substance of what transpired at the hearing, together with all papers and requests filed in the proceedings. This record shall be retained in accordance with normal retention periods. This record shall also be available to the household or its representative at any reasonable time for copying and inspection.
- B. Following the conclusion of the state hearing, the Administrative Law Judge (ALJ) shall promptly prepare and issue an initial decision and file it with the Colorado Department of Human Services, Office of Appeals.
- C. Initial Decision
  - 1. The Office of Administrative Courts shall render an initial decision within twenty (20) calendar days of the hearing date. However, if the head of the household or his representative requests a delay in the proceedings, the time limit for action on the decision may be extended for as many days as the hearing is delayed, up to thirty (30) calendar days.
  - 2. The initial decision shall make an initial determination whether the county or State Department or its agent acted in accordance with, and/or properly interpreted, the rules of the State Department. The Administrative Law Judge may determine whether statutes

were properly interpreted and applied only when no implementing State rules exist. The Administrative Law Judge has no jurisdiction or authority to determine issues of constitutionality or legality of departmental rules.

3. The initial decision shall advise the household that failure to file exceptions to provisions of the initial decision will waive the right to seek judicial review of a final agency decision affirming those provisions.
4. The Office of Appeals shall promptly serve the initial decision upon each party by first class mail and shall transmit a copy of the decision to the Divisions of the State Department that administer the program(s) pertinent to the appeal.
5. The initial decision by the ALJ shall summarize the facts of the case, specify the reasons for the initial decision, and identify the supporting evidence and the pertinent rule.
6. The Office of Appeals of the State Department, as the designee of the Executive Director, shall review the initial decision of the Administrative Law Judge and shall enter a final agency decision affirming, modifying, reversing, or remanding the initial decision. The initial decision shall not be implemented pending review by the Office of Appeals and entry of a final agency decision.

While review of the initial decision is pending before the Office of Appeals, the record on review, including any transcript or tape of testimony filed with the Office of Appeals, shall be available for examination by any party at the Office of Appeals during regular business hours.

#### D. Exceptions to the Initial Decision

1. Any party seeking an agency decision which reverses, modifies or remands the initial decision of the Administrative Law Judge shall file exceptions to the decision with the Office of Appeals within fifteen (15) calendar days - plus three (3) calendar days for mailing - from the date the initial decision is mailed to the parties. Exceptions shall state specific grounds for reversal, modification or remand of the initial decision.
2. If the party asserts that the Administrative Law Judge's findings of fact are not supported by the weight of the evidence, the party shall simultaneously with or prior to the filing of exceptions request the Office of Administrative Courts to cause a transcript of all or a portion of the hearing to be prepared and filed with the Office of Appeals. The exceptions shall state that a transcript has been requested, if applicable. Within five (5) calendar days of the request for transcript, the party requesting it shall advance the cost to the transcriber designated by the Office of Administrative Courts unless the transcriber waives the prior payment.

A party who is unable because of indigence to pay the cost of a transcript may file a written request, which need not be sworn, with the Office of Appeals for permission to submit a copy of the hearing tape instead of the transcript. If submission of a tape is permitted, the party filing exceptions shall promptly request a copy of the tape from the Office of Administrative Courts and deliver it to the Office of Appeals. Payment in advance shall be required for the preparation of a copy of the tape.

3. If the exceptions do not challenge the findings of fact, but instead assert only that the Administrative Law Judge improperly interpreted or applied State rules or relevant statutes, the party filing exceptions is not required to provide a transcript or tape to the Office of Appeals.
4. The Office of Appeals shall serve a copy of the exceptions on each party by first class mail. Each party shall be limited to ten (10) calendar days from the date exceptions are mailed to the parties in which to file a written response to such exceptions. The Office of Appeals shall not permit oral argument.

5. The Office of Appeals shall not consider evidence that was not part of the record before the Administrative Law Judge. However, the case may be remanded to the Administrative Law Judge for rehearing if a party establishes in its exceptions that material evidence has been discovered which the party could not with reasonable diligence have produced at the hearing.
6. The Division(s) of the State Department responsible for administering the program(s) relevant to the appeal may file exceptions to the initial decision, or respond to exceptions filed by a party, even though the Division has not previously appeared as a party to the appeal. ~~The Division's exceptions or responses shall be filed in compliance with the requirements of Section 4.802.63, D, 1, above.~~ Exceptions filed by a Division that did not appear as a party at the hearing shall be treated as requesting review of the initial decision upon the State Department's own motion.

E. Final Agency Decisions

1. The Office of Appeals shall enter a final agency decision resolving the appeal within sixty (60) calendar days after the hearing was requested.
2. In the absence of exceptions filed by any party or by a Division of the State Department, the Office of Appeals shall review the initial decision and may review the hearing file of the Administrative Law Judge and/or the taped testimony of witnesses before entering a final agency decision. Review by the Office of Appeals shall determine whether the decision properly interprets and applies the rules of the State Department or relevant statutes and whether the findings of fact and conclusions of law support the decision. If a party or Division of the State Department objects to the agency decision entered upon review by the Office of Appeals, the party or Division may seek reconsideration ~~pursuant to Section 4.802.63, F.~~
3. The Office of Appeals shall mail copies of the final agency decision to all parties by first class mail.
4. For purposes of requesting judicial review, the effective date of the final agency decision shall be the third (3rd) day after the date the decision is mailed to the parties, even if the third day falls on Saturday, Sunday, or a legal holiday. The parties shall be advised of this in the agency decision.

F. Motion for Reconsideration of a Final Agency Decision

1. A motion for reconsideration of a final agency decision may be granted by the Office of Appeals for the following reasons:
  - a. Upon a showing of good cause for failure to file exceptions to the initial decision within the fifteen (15) calendar day period ~~allowed by Section 4.802.63, D, 1;~~ or,
  - b. Upon a showing that the agency decision is based upon a clear or plain error of fact or law. An error of law means failure by the Office of Appeals to follow a rule, statute, or court decision that controls the outcome of the appeal.
2. No motion for reconsideration shall be granted unless it is filed in writing with the Office of Appeals within fifteen (15) calendar days of the date that the agency decision is mailed to the parties. The motion shall state specific grounds for reconsideration of the agency decision.
3. The Office of Appeals shall mail a copy of the motion for reconsideration to each party of record and to the appropriate Division of the State Department.

G. Acting on Decisions

1. Initial decisions shall not be implemented pending review by the Office of Appeals and entry of a final agency decision.
2. The state or county department shall initiate action to comply with the final agency decision within three (3) working days after the effective date. The department shall comply with the decision, even if reconsideration is requested, unless the effective date of the agency decision is postponed by order of the Office of Appeals or a reviewing court.
3. If the State Department rules that the household had its Food Assistance benefits wrongfully delayed, denied or terminated, the local office shall provide retroactive benefits. If the State Department decides that benefits were over-issued previous to and during the pendency of the determination of final agency action, a claim for over-issued benefits will be prepared.
4. Final agency decisions which result in an increase in household benefits shall be reflected in the benefit allotment within ten (10) days of the receipt of the decision, even if the local office is obligated to provide a supplementary allotment or otherwise provide the household with the opportunity to obtain the allotment outside of the normal cycle. However, the local office may take longer than ten (10) days if it elects to make the decision effective in the household's normal issuance cycle, provided that the issuance will occur within sixty (60) days from the household's request for the hearing.
5. Final agency decisions which result in a decrease in household benefits shall be reflected in the next scheduled issuance following receipt of the decision, unless the decision is stayed by the Office of Appeals upon a showing of irreparable harm.

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4.803 INTENTIONAL PROGRAM VIOLATIONS AND FRAUD [Rev. eff. 1/1/16]

- A. Local offices shall be responsible for investigating any case of alleged intentional program violation/fraud and insuring that appropriate cases are acted upon either through administrative hearings; by referral to a court of appropriate jurisdiction; by obtaining a waiver of administrative hearing; or by obtaining a signed disqualification consent agreement.
- B. Local offices are encouraged to refer for prosecution under state fraud statutes those individuals suspected of committing fraud, particularly if large amounts of benefits are suspected of being fraudulently obtained or the individual is suspected of committing more than one (1) fraudulent act. The local office shall confer with its legal representative to determine the types of cases that will be accepted for possible prosecution.
- Local offices are also encouraged to enter into prosecution agreements with their district court. Agreements should include information on how, and under what circumstances, cases will be accepted for possible prosecution and any other criteria set by the court for accepting cases for prosecution, such as a minimum amount of over-issuance that resulted from the intentional program violation.
- C. Administrative disqualification procedures or referral for prosecution should be initiated by the local office anytime it has sufficient documentary evidence to substantiate that an individual has committed one or more acts of intentional program violation/fraud as defined in Section 4.803-2. If administrative disqualification procedures or referral for prosecution is not initiated for a case involving an over-issuance caused by a suspected act of intentional program violation/fraud, an inadvertent household error claim shall be established against the household.
- D. In cases where the determination of fraud is reversed by a court of appropriate jurisdiction or by a final agency decision, the local office shall reinstate the individual in the Program if the household is

otherwise eligible. The local office shall restore any benefits that were lost as a result of the disqualification in accordance with the procedures specified in Section 4.702.

- E. The local office shall inform the household in writing of disqualification penalties for intentional program violation each time it applies for Program benefits. The penalty warning will appear in clear, boldface lettering on the Food Assistance application forms and shall serve as notification to the household.

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**4.803.2 Determination of an Intentional Program Violation/Fraud [Rev. eff. 1/1/16]**

- A. An intentional program violation shall be established only if an administrative disqualification hearing official or a court of appropriate jurisdiction has found a household member has committed an intentional program violation or fraud or if a signed waiver of administrative hearing or a signed disqualification consent agreement has been obtained.
- B. For purposes of determining, through administrative disqualification hearings, whether or not a person has committed an intentional program violation, the determination shall be based upon whether the person intentionally:
  - 1. Made a false or misleading statement, or misrepresented, concealed or withheld facts; or,
  - 2. Committed any act that constitutes a violation of the Food and Nutrition Act of 2008, as amended, these Food Assistance Program rules, Federal Food Assistance Program regulations, or any state statute for the purpose of using, presenting, transferring, acquiring, receiving, possessing or trafficking of Food Assistance benefits, authorization cards or reusable documents as part of an automated benefit delivery system access device.

“Intentionally” means a false representation of a material fact with knowledge of that falsity, or omission of a material fact with knowledge of that omission.
- C. The determination of intentional program violation shall be based upon clear and convincing evidence that demonstrates that the household member(s) committed and intended to commit intentional program violation as defined in B, above. “Clear and convincing” means evidence which is stronger than a “preponderance of evidence” and which is unmistakable and free from serious or substantial doubt.
- D. The same act of intentional program violation repeated over a period of time shall not be separated so that separate disqualification periods can be imposed.
- E. The burden of proving intentional program violation is with the local office.
- F. Disqualification periods shall be imposed based on the following:
  - 1. Administrative Disqualification Hearing (ADH)

If an IPV/fraud is determined through an ADH, the individual must be notified in writing once it is determined that he/she is to be disqualified. The disqualification period shall begin no later than the second month which follows the date the individual receives written notice of the disqualification.



2. Waiver of an Administrative Disqualification Hearing

If an IPV/fraud is determined through the client signing a waiver of an administrative disqualification hearing form, then the period of disqualification shall begin with the first month which follows the date the household member receives written notification of the disqualification.

3. Court Decisions

If an individual is determined through a court to be disqualified for an IPV/fraud, but the date for initiating the disqualification period is not specified, the county department shall initiate the disqualification period for currently eligible individuals within forty five (45) calendar days of the date the disqualification was ordered. Any other court imposed disqualification shall begin within forty five (45) calendar days of the date the court found a currently eligible individual guilty of civil or criminal misrepresentation or fraud.

4. Disqualification Consent Agreements

Unless contrary to the court order, the period of disqualification shall begin within forty-five (45) calendar days from the date the household member signed the disqualification consent agreement. However, if the court imposes a disqualification period or specifies the date for initiating the disqualification period, the state agency shall disqualify the household member in accordance with the court order.

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**4.803.41** Notifying a Household of an IPV Administrative Disqualification Hearing [Rev. eff. 1/1/16]

- A. The Administrative Law Judge or local-level hearing officer shall provide written notice to the household member suspected of intentional program violation at least thirty (30) calendar days in advance of the date an administrative disqualification hearing initiated by the local office has been scheduled.
- B. The notice shall be mailed Certified Mail, Return Receipt Requested, or by first class mail or the notice may be served on the individual by any other reliable method, such as personal delivery by a Food Assistance worker or other employee, affidavit of service, Federal Express, etc. If no proof of receipt is obtained, a statement of non-receipt by the household member shall be considered good cause for not appearing at the hearing. The notice shall contain at a minimum:
1. The date, time, and place of the hearing;
  2. The charge(s) against the household member;
  3. A summary of the evidence and how and where the evidence can be examined;
  4. A warning that the decision will be based solely on information provided by the local office if the household member fails to appear at the hearing;
  5. A statement that the household member or representative will have ten (10) calendar days from the date of the scheduled hearing to present good cause for failure to appear in order to receive a new hearing;
  6. A warning that the disqualification penalties for fraud under the Food Assistance Program that could be imposed and a statement of which penalty the hearing officer believes is applicable to the case scheduled for hearing. The disqualification penalties for fraud are as follows:
    - a. Twelve month disqualification for the first (1<sup>st</sup>) violation, twenty-four month

disqualification for the second (2<sup>nd</sup>) violation, and permanently for the third (3<sup>rd</sup>) violation, except as provided for in paragraphs b, c, d, and e, of this section;

- b. Individuals found to have made a fraudulent statement or representation with respect to the identity or place of residence of the individual in order to receive multiple food stamp benefits simultaneously shall be ineligible to participate in the Program for a period of ten (10) years, except if the client has received his/her 3<sup>rd</sup> violation. In such cases, the individual shall be disqualified permanently.
- c. Individuals found by a federal, state or local court to have used or received benefits in a transaction involving the sale of a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802)) shall be ineligible to participate in the program:
  - 1) For a period of twenty four months upon the first occasion of such violation; and,
  - 2) Permanently upon the second occasion of such violation.

Copies of the Section 102 of the Controlled Substances Act (21 U.S.C. 802), as amended, is available for inspection during normal business hours or by contacting: Director, Food Assistance Programs Division, Colorado Department of Human Services, 1575 Sherman Street, Denver, Colorado 80203; or a state publications depository library. No further amendments or editions are incorporated.

- d. Individuals found by a federal, state or local court to have used or received benefits in a transaction involving the sale of firearms, ammunition or explosives shall be permanently ineligible to participate in the program upon the first occasion of such violation.
  - e. An individual convicted by a federal, state or local court of having trafficked benefits for an aggregate amount of five hundred dollars (\$500) or more shall be permanently ineligible to participate in the program upon the first occasion of such violation.
  - f. The penalties in paragraphs c and d of this section shall also apply in cases of deferred adjudication as described in Section 4.804, where the court makes a finding that the individual engaged in the conduct described in paragraph c and d, of this section.
  - g. If a court fails to impose a disqualification or a disqualification period for any intentional program violation, the state agency shall impose the appropriate disqualification penalty specified within this section, unless it is contrary to the court order.
- 7. A statement of which penalty the hearing officer believes is applicable to the case scheduled for the hearing. ~~See Section 4.803.3 for the types of disqualifications and appropriate penalties associated with intentional program violations.~~
  - 8. A statement that the hearing does not preclude the state or federal government from prosecuting the household member for fraud in a civil or criminal court action or from collecting the over-issuance.
  - 9. The name and telephone number of the agency that the individual can call to obtain free legal advice.
  - 10. For county departments conducting local-level ADH, the notice shall inform the client that he/she may request to have a state-level ADH rather than a local-level ADH.

- C. A copy of the local-level hearing procedures, and the demand letter for over-issuance (if not sent previously) shall be attached to the thirty (30) day advance notice for the local-level hearing. The Administrative Law Judge shall provide a copy of the state hearing procedures with the thirty (30) day advance notice.
- D. The Administrative Law Judge shall not enter a default against the household member for failure to file a written answer to the notice of hearing but shall base the initial decision upon the evidence introduced at the hearing.

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**4.803.44** Administrative Disqualification Hearing Procedures

- A. At the administrative disqualification hearing, the Administrative Law Judge (ALJ) or local hearing officer shall advise the household member or representative that he or she may refuse to answer questions during the hearing.
- B. A hearing decision and notification to the parties shall occur within ninety (90) calendar days from the date the household member is notified in writing that a state or local-level hearing requested by the local office has been scheduled.
- C. Following the conclusion of the hearing at the state-level, the ALJ shall prepare and issue an initial decision that shall contain a determination of whether the county or State Department acted in accordance with, and properly interpreted the rules and regulations of the State Department. For the purpose of the decision, material issues of law shall be defined. The ALJ has no jurisdiction or authority to determine issues of constitutionality or legality of departmental rules or regulations. This decision is prepared and filed with the Colorado Department of Human Services for service to each party.

In the case of a hearing before the Administrative Law Judge (ALJ), this determination shall be an initial decision to be reviewed by the Office of Appeals pursuant to Section 4.802.63, D. The initial decision shall not be implemented pending review by the Office of Appeals and entry of a final agency decision. The initial decision shall advise the household that failure to file exceptions to provisions of the initial decision will waive the right to seek judicial review of a final agency decision affirming those provisions.

- D. A local-level hearing officer shall meet the ninety (90) calendar day timeframe, issue the decision to the client, and forward a copy to the Colorado Department of Human Services, Food Assistance Division.
- E. The household member or his/her representative is entitled to a postponement of up to thirty (30) calendar days if the request for postponement is made at least ten (10) calendar days prior to the scheduled hearing date, unless good cause can be shown for failure to request postponement within the required timeframe. If the hearing is postponed, the above limits shall be extended for as many days as the hearing is postponed.
- F. The local office shall make the hearing procedures in this staff manual available to any interested party.
- G. A verbatim transcript or recording of testimony and exhibits shall be made. This transcript or recording together with all papers and requests filed in the proceeding shall be retained by the local office for a period of three (3) years from the initiation of the action and shall be available to the household or its representatives during business hours for copying and inspection.

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#### 4.803.5

#### Local-Level IPV Hearings [Rev. eff. 1/1/16]

##### A. Local-Level Hearing Official

1. The individual who acts as a local-level hearing officer for the local office shall meet the following requirements:
  - a. He/she shall be an impartial individual who does not have a personal stake or involvement in the case;
  - b. He/she cannot have been directly involved in the initial determination of the action which is being contested and was not the immediate supervisor of the eligibility worker who initiated the intentional program violation action;
  - c. The individual shall be:
    1. An employee of the county; or
    2. An individual under contract with the county; or,
    3. An employee of another public agency, statutory board or other legal entity designated by the county to conduct hearings.
2. The individual who acts as a local-level hearing officer is required to carefully consider the evidence and determine, based on clear and convincing evidence, if the individual intended to commit an intentional program violation ~~as outlined in Section 4.803.2.~~

##### B. Notice of Local-Level Hearing Decision

1. If the local-level administrative disqualification hearing finds the household member did not commit an intentional program violation, the local-level hearing officer shall provide a written notice that informs the household, the local office, and the State Food Assistance Programs Division of the decision.
2. The decision shall contain the reasons for the hearing officer's decision and a response to client presented arguments and identify the evidence presented by both client and the local office.
3. If a local-level hearing officer determines that an intentional program violation occurred, the household shall be notified in accordance with Section 4.803.7, and accompanying the decision shall be an Appeal Request for the household to appeal the decision to a state-level administrative disqualification hearing.
4. If mailed, the notice shall be sent by either first class mail or certified mail (return receipt requested), or the notice may be served on the individual(s) by any other reliable method. If no proof of receipt is obtained, a statement of non-receipt by the household member shall be considered good cause for not appearing at the hearing.
5. A copy of the local-level hearing decision shall be forwarded to the State Food Assistance Programs Division for review at the same time the decision is mailed to the client.

##### C. Appeal of Local-Level Decision

1. The household may appeal the decision of the local-level administrative disqualification hearing to the Office of Administrative Courts. An appeal must be received by the local office or by the Office of Administrative Courts within fifteen (15) calendar days of the date of household receipt of the local-level decision. The household shall be allowed to participate as described in Section 4.803.44.

2. If the household member appeals a local-level hearing to a state-level hearing, the Office of Administrative Courts shall provide a written notice to that household member at least ten (10) calendar days in advance of the scheduled hearing. The ten (10) calendar day advance notice shall contain at a minimum:
  - a. The date, time, and place of the hearing.
  - b. A statement that the Office of Administrative Courts will dismiss the hearing request and the household member will be disqualified in accordance with the local hearing decision if the household member or its representative fails to appear for the hearing without good cause.
  - c. A statement that the hearing does not preclude civil or criminal prosecution, or from collecting the over-issuance.
  - d. A listing of the household members' rights.
  - e. A copy of the Office of Administrative Courts hearing procedures shall be attached to the ten (10) calendar day advance notice.
  
3. If the household member fails to appear for the administrative disqualification hearing appeal, the Office of Administrative Courts (OAC) shall dismiss the hearing request. The Administrative Law Judge shall promptly serve copies of the order on the household member and the local office. The order shall inform the household member that he/she will continue to be disqualified in accordance with the local-level hearing decision. The household member will be afforded a ten (10) calendar day period from the date the order of dismissal was mailed to explain in a letter to the OAC the reason for failing to appear. If the OAC determines that the household member or its representative has good cause for not appearing, the Administrative Law Judge shall reschedule another hearing date.

If the appellant does not submit a letter seeking to show good cause within the ten (10) calendar day period, the order of dismissal shall be filed with the Office of Appeals of the State Department. The Office of Appeals shall confirm the dismissal of the appeal by an agency decision, which shall be served on the parties and the interested Division of the State Department. Within three (3) working days after the effective date of the decision, the local office shall implement necessary actions to provide benefits in the correct amount, to terminate benefits, to recover benefits incorrectly paid, and/or other appropriate actions in accordance with the rules. If the appellant submits a letter seeking to show good cause and the Administrative Law Judge (ALJ) finds that the stated facts do not constitute good cause, the ALJ shall enter an initial decision confirming the dismissal. The appellant may file exceptions to the initial decision pursuant to Section 4.802.63, D.

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#### 4.804.1 Disqualification Consent Agreement [Rev. eff. 1/1/16]

##### A. Criteria for Consent Agreement

If county prosecutors pursue a consent agreement, the agreement shall provide the household advance notification of the consequences of consenting to the disqualification. The consent agreement shall contain the following:

1. A statement for the accused individual to sign that he or she understands the consequences of consenting to disqualification.
2. A signature block for the accused individual.

3. A statement that the head of household must also sign the consent agreement if the accused individual is not the head of household.
4. A signature block for the head of household.
5. A statement that consenting to disqualification will result in disqualification and a reduction in benefits for the period of disqualification, even though the accused individual was not found guilty of civil or criminal misrepresentation or fraud.
6. A warning that the disqualification penalties for fraud under the Food Assistance Program that could be imposed and a statement of which penalty the hearing office believes is applicable to the case scheduled for the hearing. ~~See Section 4.803.2, F, for the fraud disqualification penalties.~~
7. A statement of the fact that the remaining household members, if any, will be held responsible for repayment of the resulting claim, unless the accused individual has already repaid the claim as a result of meeting the terms of the agreement with the prosecutor or the court order.

B. Imposing Disqualifications When Consent Agreements are Obtained

1. If the household member suspected of fraud signs the disqualification consent agreement, the household member shall be disqualified in accordance with the disqualification periods specified in Section 4.803.2, F, unless contrary to the court order.
2. Once a disqualification penalty has been imposed against a currently participating household member, the period of disqualification shall continue uninterrupted until completed, regardless of the eligibility of the disqualified member's household. However, the disqualified member's household shall continue to be responsible for repayment of the over-issuance that resulted from the disqualified member's suspected fraudulent act, regardless of its eligibility for Program benefits.

C. Notification to Household of Disqualification

1. If the household member suspected of fraud signs the disqualification consent agreement, the local office shall provide written notice to the household member. The notice shall be provided prior to disqualification. The notice shall inform the household member of the disqualification and the date the disqualification will take effect.
2. The local office shall also provide to the remaining household members, if any, the allotment they will receive during the period of disqualification or notice that they must reapply because the certification period has expired. The procedures for handling the income and resources of the disqualified member are described in Section 4.411.1.

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