

Title of Proposed Rule: SNAP Household Composition and Technical Clean-up

CDHS Tracking #: 23-12-14-01

Office, Division, & Program: Rule Author: Brett Bustos
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RULEMAKING PACKET

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

- a. ☒ Board ☐ Executive Director
b. ☒ Regular ☐ Emergency

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

☐ AG Initial
Review

☐ Initial Board
Reading

☐ AG 2nd Review

☒ Second Board Reading
/ Adoption

This package contains the following types of rules: *(check all that apply)*

Number	
18	Amended Rules
2	New Rules
1	Repealed Rules
0	Reviewed Rules

What month is being requested for this rule to first go before the State Board?	May 2024
What date is being requested for this rule to be effective?	July 2024
Is this date legislatively required?	No

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 6/2024 2nd Board 7/2024 Effective Date 8/30/2024
Dates: _____

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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. 1500 Char max

The Supplemental Nutrition Assistance Program (SNAP) provides food assistance benefits as part of a federal nutrition program to help low-income households purchase food. The proposed rule revisions and additions update language concerning household composition to aid in ease of understanding, as well as integrates new policies regarding eligibility determinations for children in shared custody arrangements and who are part of two SNAP households. Also included in these changes are updates to language pertaining to EBT issuance, benefit allotment calculations, and general language clean-up to bring these regulations into alignment with federal policies and current processes.

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

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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. (2023)	State Board to promulgate rules
26-1-111, C.R.S. (2023)	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.*

Code	Description
26-2-301 (2023), 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 (2023), 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.
26-1-107(5)(b) (2023), C.R.S.	Authorizes the State Board to adopt rules for "programs administered ... by the state department as set out in this title [26]," and § 26-2-301 designates the Department as the agency to "administer" the Food Assistance program.
7 U.S. Code §2020	Federal law charging participating States with certifying applicant households and issuing EBT cards.

Does the rule incorporate material by reference?

☐

Yes

☒

No

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Does this rule repeat language found in statute?

☐ Yes

☒ No

If yes, please explain.

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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?

SNAP applicants and participants, CDHS SNAP and EBT program area staff, county SNAP and EBT administrators, and eligibility technicians all benefit from this rule package as it simplifies processes around determining household composition and solidifies regulatory requirements regarding EBT card issuance to ensure compliance with federal regulations regarding the availability of SNAP benefits to clients.

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?

Changes to the regulation around household composition will align regulations with the Colorado Benefits Management System (CBMS) updates already implemented. The changes will improve state-level administration of SNAP by increasing clarity as to the criteria underpinning eligibility determinations. This will increase SNAP client understanding of eligibility guidelines and allow ease of application processing for county level administrators, particularly in determining eligibility of children in shared custody arrangements. Updates to EBT card issuance regulations will allow state-level SNAP and EBT administrators to ensure compliance concerning mail issuance of EBT cards. Proper and timely mail issuance will increase client access to the program and help avoid the potential for federal sanctions. Lastly, language updates to benefit allotment calculation bring regulations into alignment with federal regulations and CBMS system calculations of SNAP benefit allotments.

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 are no state fiscal impacts resulting from these regulation changes as the changes either do not require system updates or are a result of already implemented system changes.

County Fiscal Impact

There are limited county fiscal impacts resulting from these regulation changes as all training materials regarding these changes have been created by the Staff Development Division (SDD) and distributed to counties. If counties have created their own training materials regarding shared custody households, they may need to update their internal resources to match the new process. Additionally, the already adopted CBMS process for children in shared custody arrangements could result in more verifications

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received in these circumstances, requiring additional time spent by workers to evaluate and process verifications.

Federal Fiscal Impact

There are no federal fiscal impacts associated with this rule change as there are no substantive changes to the regulation that require changes or action from SNAP federal partners.

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

There are no other fiscal impacts associated with this rule change as the regulatory changes do not require secondary actions from other organizations or agencies that interact with SNAP.

4. Data Description

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

This rule change was developed without the use of any data as there was no need.

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...”

There were no alternatives to this rule change as these updates and corrections are necessary to ensure the SNAP program is effectively administered in Colorado.

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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
4.000.1	Unclear definition	4.000.1 SNAP DEFINITIONS "Household" means a group of individuals who live together and customarily purchase and prepare food together.	4.000.1 SNAP DEFINITIONS *** "Household" means a group of individuals who live together and customarily purchase and prepare food together for home consumption.	Added clarifying phrase	
4.140	Incorrect numbering cited	4.140 CONFIDENTIALITY A. If there is a written request by a responsible member of the household, the current authorized representative, or a person acting on behalf of the household to review materials contained in the case record, the material and information contained in the case record shall be made available for inspection as defined in 4.000.	4.140 CONFIDENTIALITY A. If there is a written request by a responsible member of the household, the current authorized representative, or a person acting on behalf of the household to review materials contained in the case record, the material and information contained in the case record shall be made available to the requestor.	Updated incorrect citation	
4.201(G)	Outdated information	4.201 APPLICATION PROCESSING 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 SNAP benefits are distributed without regard to race, color, or national origin. In those instances when the information is not provided	4.201 APPLICATION PROCESSING *** 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 SNAP benefits are distributed without regard to race, color, or national origin. Households that do not	UPDATED	

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		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.	declare race and/or ethnicity information shall not be subject to additional observation or questioning to obtain such information. Under no circumstance should an eligibility technician challenge or change a self-declaration made by a household member.		
4.207.1(B)	Incorrect language	<p>4.207.1 Newly-Certified and Ongoing Households</p> <p>B. All newly-certified households shall be given an opportunity to participate no later than thirty (30) calendar days following the date the application was filed. Households eligible for expedited service shall be given an opportunity to participate no later than seven (7) calendar days following the date the application was filed. Day one (1) is the first calendar day after the application is received by a local office in the correct county. An opportunity to participate consists of providing households with an active EBT card and PIN, posting benefits to the household's EBT account, and making benefits available for spending.</p> <p>Local offices utilizing a mailing system shall mail EBT cards and PINS, if applicable, in time to ensure that the benefits can be spent before the thirty (30) day standard if the EBT card or PIN is mailed on the twenty-ninth (29th) or thirtieth (30th) day. Local offices that issue EBT cards by mail shall, at a minimum, use first class mail to send EBT cards to households.</p>	<p>4.207.1 Newly-Certified and Ongoing Households</p> <p>***</p> <p>B. All newly-certified households shall be given an opportunity to participate no later than thirty (30) calendar days following the date the application was filed. Households eligible for expedited service shall be given an opportunity to participate no later than seven (7) calendar days following the date the application was filed. Day one (1) is the first calendar day after the application is received by a local office in the correct county. An opportunity to participate consists of providing households with an active EBT card and PIN, posting benefits to the household's EBT account, and making benefits available for spending.</p> <p>Local offices shall utilize a mailing system to mail EBT cards and PINs, if applicable, by the twenty-eighth (28th) day, to ensure that the benefits can be spent by the thirty (30) day standard. Local offices shall, at a minimum, use first class mail to send EBT cards to households.</p>	CORRECTED LANGUAGE	
4.207.3(A)	Missing language	<p>4.207.3 Benefit Allotment</p> <p>After eligibility has been established, the monthly SNAP benefit allotment will be</p>	<p>4.207.3 Benefit Allotment</p> <p>A. After eligibility has been established, the monthly SNAP benefit allotment will be determined. The state</p>	ADDED LANGUAGE	

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		<p>determined. The state automated system will compute the household's allotment. The following formula shall be used to determine a household's benefit allotment.</p> <ol style="list-style-type: none"> 1. Multiply the net monthly income by thirty percent (30%) 2. Subtract the result from the maximum benefit allowed for the appropriate household size, as shown in D below. 	<p>automated system will compute the household's allotment. The following formula shall be used to determine a household's benefit allotment.</p> <ol style="list-style-type: none"> 1. Multiply the net monthly income by thirty percent (30%) 2. Subtract the result from the maximum benefit allowed for the appropriate household size, as shown in D below. 		
4.304	Unclear and outdated information	<p>4.304 DETERMINING HOUSEHOLD COMPOSITION</p> <p>All applications shall be submitted on behalf of a household. Some groups of individuals living together are required to be included in the same SNAP household in accordance with Section 4.304.1.</p> <p>A household may be composed of any of the following individuals or groups of individuals:</p> <ol style="list-style-type: none"> 1. An individual living alone. 2. An individual living with others but customarily purchasing food and preparing meals for home consumption separate and apart from the others. 3. A group of individuals living together who customarily purchase and prepare food together for home consumption. 	<p>4.304 Household Composition</p> <p>A. Determining household composition</p> <p>It is possible for more than one snap household to live under the same roof, on the same property, or at the same address.</p> <ol style="list-style-type: none"> 1. A household is a group of individuals who live together and customarily purchase and prepare food together for home consumption. 2. Each household may apply as a separate household if they are not mandatory household members due to their relationships or financial responsibility. <p>A. Individuals can be determined as a separate household under this provision.</p> <ol style="list-style-type: none"> 3. If the client is currently purchasing and preparing with other individuals but upon approval of SNAP benefits intends to purchase and prepare separately, separate household status can be granted. 	UPDATED LANGUAGE TO MATCH CURRENT POLICY	

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		<p>4. An individual who is sixty (60) years of age or older, and the spouse of such individual, living with others, who is unable to purchase and prepare meals because they suffer from a disability considered permanent under the Social Security Act or suffers from a non-disease-related, severe, permanent disability. However, for such a person to be eligible, the income (all nonexempt earned and unearned income) of the other members (excluding the person(s) with disabilities and their spouse) with whom the individual resides cannot exceed one hundred sixty-five percent (165%) of the federal poverty level according to household size as provided in Section 4.401.1.</p>			
4.304.1	Outdated language	<p>4.304.1 Persons Ineligible for Separate Household Status</p> <p>Separate household status shall not be granted to the following, except as noted:</p> <p>A. Children twenty-one (21) years of age and under, who live with at least one (1) natural parent, adoptive parent, or stepparent, shall not be considered a separate household from the natural, adoptive, or stepparent, even if they purchase and prepare meals separately.</p> <p>If a child lives in the same home with both parents, both parents,</p>	<p>4.304.1 MANDATORY HOUSEHOLD MEMBERS</p> <p>All mandatory household members who live together must be considered in the same household, even if the mandatory individuals declare they do not customarily purchase and prepare their food together for home consumption.</p> <p>~~~~~ arents and Children</p> <p>1. A person aged twenty-one (21) years and younger living with their natural or adoptive parent(s) or stepparent(s).</p> <p>a. If the child lives in the same home with both parents, regardless of marital status or whether or not the</p>	UPDATED LANGUAGE	

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		<p>regardless of their marital status, shall be included in the household, even if one (1) parent does not request assistance or declares that they purchase and prepare meals separately from the other parent and child.</p> <p>B. Children, excluding foster children, who are under eighteen (18) years of age who purchase and prepare meals separately but live under the parental control of an adult household member who is not the natural parent, adoptive parent, or stepparent, cannot be separate households. A child is under parental control if they are financially dependent on an adult member of the household, unless the State of Colorado defines the child as an adult or an emancipated minor.</p> <p>C. The spouse of a household member shall not be a separate household when they are living together, even if they purchase and prepare meals separately.</p> <p>1. Spouses refer to:</p> <p>a. Persons who are defined as married to each other under state law; or,</p> <p>b. Persons who are living together, are free to marry, and represent themselves as spouses to relatives,</p>	<p>parents purchase and prepare their food together, both parents must be included in the SNAP household.</p> <p>2. A child (other than a foster child) under eighteen (18) years of age who is living with and is under the parental control of a household member other than their parent.</p> <p>a. A child under eighteen (18) years of age is considered to be under parental control of an individual if they are financially or otherwise dependent on another member of the household unless emancipated as defined by State law.</p> <p>B. Spouses</p> <p>1. Spouses refer to:</p> <p>a. Persons defined as married to each other under state law.</p> <p>b. Persons living together who are free to marry and are representing themselves as spouses to relatives, friends, neighbors, or the larger community.</p> <p>2. In situations where a spouse is in an established residence elsewhere but still contributes financially to the household, the value of the financial contribution will be counted as unearned income to the household in determining eligibility. Please refer to</p>		
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		<p>friends, neighbors, and tradespeople.</p> <p>2. Spouses who are living together and legally separated are eligible for separate household status unless paragraph A of this section applies.</p> <p>3. If two adults are in a relationship but are not considered married as specified in C, 1, of this section, and there is a child living in the home but only one (1) of the parents is the biological or adoptive parent to the child, the non-biological parent does not have to be considered part of the household if the non-biological parent is: not the natural or adoptive parent to the child, not exercising parental control of the child as specified in B of this section, purchasing and preparing meals separately from the rest of the household.</p>	<p>Section 4.304.4 for more information.</p> <p>C. Persons aged sixty (60) and older experiencing a disability who live with others whose income exceeds 165% FPL</p> <p>1. Persons aged sixty (60) and older who are also experiencing a disability who are unable to purchase and prepare their own meals and are residing with other individuals whose income exceeds 165% of the FPL must be in the same household.</p> <p>2. When applying the 165% limit test, an elderly person with disabilities' spouse is not to be considered a member of their household unless the spouse is the person purchasing and preparing meals. If the spouse is not a member of the household, the spouse's income and resources are excluded in calculating the household's eligibility.</p>		
4.304.2	Outdated language	<p>4.304.2 Shared Living Arrangements</p> <p>A. In instances when two (2) households request SNAP 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 SNAP 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</p>	<p>4.304.2 CHILDREN IN SHARED CUSTODY ARRANGEMENTS</p> <p>A. In instances when different households apply for the same child, the household that applies for benefits for the child second must establish that it has majority custody and/or provide a majority of the child's meals.</p> <p>B. If the second requesting household provides verification that indicates that household possesses majority custody and provides the majority of meals, this constitutes unclear information as to the first household where the child is currently receiving benefits.</p>	UPDATED LANGAUGE	

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		<p>receive SNAP benefits for the child for the duration of the certification period, then the household that applies for SNAP benefits for the child first shall be able to receive benefits for the child.</p> <p>C. In instances when a client or ongoing household requests benefits for a child who is already receiving SNAP in another household, the household who provides the child with the majority of meals shall be eligible to receive benefits for the child.</p>	<ol style="list-style-type: none"> 1. A Request for Contact (RFC) must be initiated on the first case if verification was not previously provided to establish majority custody and/or that the majority of meals are being provided. The confidentiality rules described in Section 4.140 must be followed when making this request. <ol style="list-style-type: none"> a. If the two different households applying for the same child cannot agree in which household the child shall receive benefits the household that provides the majority of meals to the child(ren) in question shall include the child(ren) in their household. Depending on the document being used to establish majority custody and majority of meals, the eligibility worker must ensure that they are considering a period of time of sufficient length to accurately capture the custody arrangement, taking into account disruptions to established arrangements such as holidays and school breaks. Eligibility workers may have to look at a longer period of time than just the last calendar month. 2. If the second requesting household provides verification that conclusively proves it has majority custody of the child and provides majority of meals as of the request to include the child(ren) in its household, the child(ren) should be removed from the first case and added to the second case as detailed in Section 4.604, G to avoid dual participation. 3. If the two households provide an equal number of meals to the child(ren), then the 		
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			<p>SNAP household currently receiving benefits or who applied first shall receive benefits for the child(ren).</p> <p>4. If one household fails to provide verification of meals they provide to the child(ren), the child(ren) shall remain in the household in which they first began receiving SNAP benefits.</p>		
4.304.3	Outdated language	<p>4.304.3 Non-Household Members</p> <p>The following individuals residing with a household shall not be considered household members in determining the household's eligibility or allotment, unless otherwise stated:</p> <p>A. Roomers</p> <p>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.</p> <p>B. Ineligible Student</p> <p>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 they meet the eligibility criteria specified in Section 4.306.1.</p> <p>C. Live-in Attendant</p>	<p>4.304.3 OPTIONAL HOUSEHOLD MEMBERS</p> <p>The following individuals residing with a household shall not be considered household members in determining the household's eligibility or allotment, unless otherwise stated:</p> <p>A. Persons aged sixty (60) and older experiencing a disability who live with others whose income does not exceed 165% Federal Poverty Level (FPL).</p> <p>1. Persons aged sixty (60) and older who are also persons with disabilities who are unable to purchase and prepare their own meals and are residing with other individuals whose income does not exceed 165% of the FPL can be in a separate household.</p> <p>2. When applying the 165% limit test, a person aged sixty (60) and older with disabilities' spouse is not to be considered a member of the household unless the spouse is the person purchasing and preparing meals. If the spouse is not a member of the household, the spouse's income and resources are excluded in calculating the household's eligibility.</p> <p>B. Foster Children</p>	UPDATED LANGUAGE	

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		<p>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.</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 SNAP as a separate household.</p> <p>1. Boarders shall not be considered members of a 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>1. If a foster parent chooses not to include a foster child in their SNAP household, the foster child not included will not have their income, resources/assets, or needs included in the eligibility determination for the SNAP household.</p> <p>2. If the foster parent chooses to include the foster child in their SNAP household, the foster child's income, and resources/assets, as well as their needs, are considered in the eligibility determination.</p> <p>3. The foster child, including a child and/or spouse of the foster child, may not apply for benefits separately from the foster family unless they are over eighteen (18) and no longer under the parental control of the foster parents.</p> <p>C. Boarders</p> <p>1. Boarders are only considered members of a client's SNAP household if the household requests that they be considered household members.</p> <p>2. If a boarder is not considered a SNAP household member, the boarder's income and resources shall not be considered available to the household.</p> <p> a. The amount of payment that a boarder gives to a household for lodging and meals shall be treated as self-employment income to the SNAP household.</p>		
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		<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>3. Boarder status shall not be granted to the following persons:</p> <p>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.</p> <p>b. Children twenty-one (21) years of age and younger living with their natural, adoptive, or stepparent.</p> <p>c. The spouse of a member of the household.</p> <p>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</p>	<p>3. If the SNAP household requests to include the boarder as a household member, the boarder's income and resources shall be considered available to the SNAP household and used in determining eligibility and allotment.</p> <p>4. Persons who only work and provide no monetary compensation in exchange for meals or who make payments to a third party on the household's behalf in exchange for meals would not be classified as boarders.</p> <p>5. Boarder status shall not be granted to individuals paying less than a reasonable monthly payment for meals. An individual not paying a reasonable monthly payment for meals will be considered a member of the household which provides the meals and lodging.</p> <p>a. A reasonable monthly payment is one of the following:</p> <p>1) Boarders, whose board arrangement is for more than two (2) meals per day, shall pay an amount that equals or exceeds the maximum SNAP allotment for the number of persons in the boarder SNAP household.</p> <p>2) Boarders, whose board arrangement is for two (2) meals or fewer per day, shall pay an amount that equals or exceeds two-thirds of the maximum allotment for</p>		
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Title of Proposed Rule: <u>SNAP Household Composition and Technical Clean-up</u>	
CDHS Tracking #: <u>23-12-14-01</u>	
Office, Division, & Program: Office of Economic Security, Food and Energy Assistance Division, SNAP	Rule Author: Brett Bustos Phone: 720-760-2894 <hr/> E-Mail: brett.bustos@state.co.us

		<p>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.</p> <p>A reasonable monthly payment shall be either of the following:</p> <ol style="list-style-type: none"> 1. Boarders, whose board arrangement is for more than two (2) meals per day, shall pay an amount which equals or exceeds the maximum SNAP allotment for the number of persons in the boarder household. 	<p>the number of persons in the boarder household.</p> <ol style="list-style-type: none"> b. When the boarder's payments for a room are distinguishable from their payments for meals, only the amount paid for meals will be considered in determining if reasonable compensation is being paid for meals. 		
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Title of Proposed Rule: SNAP Household Composition and Technical Clean-up
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		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.			
4.304.31	Missing language		4.304.31 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 in 4.304.3: A. Boarders Boarders are individuals residing with others and paying reasonable compensation for lodging and meals. Boarders cannot participate in SNAP as separate households. B. Roomers Roomers are individuals to whom a household furnishes lodging, but not meals, for compensation. Roomers who are otherwise eligible may participate in SNAP as separate households. C. Live-in Attendant	ADDED NEW LANGUAGE	

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Food and Energy Assistance		
Division, SNAP		
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			<p>Live-in attendants are individuals who live with a household to provide medical, housekeeping, childcare, or other similar personal services.</p> <p>Live-In attendants who are otherwise eligible may participate in SNAP as separate households.</p>		
4.304.32	Missing language		<p>4.304.32 Established Residence Separate and Apart</p> <p>Mandatory household members who live together must be included in the same household unless one of the mandatory individuals has established a residence separate and apart from the other mandatory household members.</p> <p>A residence may be considered established as separate and apart from mandatory SNAP household members when the individual pays shelter expenses, supports the maintenance of the other residence, and has provided that separate address to other governmental organizations or an employer as their primary residence. Supporting the maintenance of another residence can be demonstrated through paying rent/mortgage, paying utilities, paying insurance, or other charges necessary to maintain the residence.</p> <p>When it is determined that a person who would normally be considered a mandatory household member has established a residence separate and apart and does not have to be considered part of the SNAP household, any monies that person provides to the SNAP household should be considered as unearned income.</p> <p>Examples include, but are not limited to:</p> <p>A. A truck driver who is away from the household, returns at the end of each trip, and has not established a residence separate and apart must be considered a household member.</p> <p>B. A spouse in the armed forces may be considered a non-household member if the spouse is away on assignment for a calendar month or longer and has established a residence separate and apart.</p>	ADDED NEW LANGUAGE	

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			C. Oil field workers living on-site while working away from the primary residence may be considered a non-household member if the spouse is away on assignment for a calendar month or longer and has established a residence separate and apart.		
4.311.3(C)	Incorrect date	4.311.3 ABAWD Time Limits C. The ABAWD time limit clock: <ol style="list-style-type: none"> Counts accrued countable months for all ABAWDs who are not in compliance with work requirements and do not have an exemption; and Resets accrued countable months and ABAWD disqualifications, regardless of start date, for all ABAWDs every thirty-six (36) calendar months starting October 1, 2019. 	4.311.3 ABAWD Time Limits *** C. The ABAWD time limit clock: <ol style="list-style-type: none"> Counts accrued countable months for all ABAWDs who are not in compliance with work requirements and do not have an exemption; and Resets accrued countable months and ABAWD disqualifications, regardless of start date, for all ABAWDs every thirty-six (36) calendar months starting July 1, 2023. 	UPDATED DATE	
4.402(A)	Incorrect language	4.402 HOUSEHOLD INCOME ELIGIBILITY A. Determining Income <ol style="list-style-type: none"> Income eligibility shall be determined prospectively based on the eligibility technician's anticipation of income at the time of application and when changes are made known to the local office. When determining if a household is eligible under 	4.402 HOUSEHOLD INCOME ELIGIBILITY A. Determining Income <ol style="list-style-type: none"> Income eligibility shall be determined prospectively based on the eligibility technician's anticipation of income at the time of application and when changes are made known to the local office. 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 	UPDATED LANGUAGE	

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		<p>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 is rounded to the next dollar.</p>	<p>is anticipated any cents in the gross weekly or biweekly earnings shall be used in converting income to a monthly amount.</p>		
4.403(F)	Incorrect language	<p>4.403 COUNTABLE EARNED INCOME</p> <p>F. Owners of Limited Liability Corporations (LLC) and S-Corporations</p> <p>For SNAP 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.</p>	<p>4.403 COUNTABLE EARNED INCOME</p> <p>***</p> <p>F. Owners of Limited Liability Corporations (LLC) and S-Corporations</p> <p>For SNAP purposes, owners of LLCs or S-Corporations are considered employees of the corporation and, therefore, cannot be considered self-employed. The income from these types of corporations should be treated as regular earned income, not self-employment income.</p> <p>If the owner of the LLC or S-Corporation takes a draw, the total business income minus all expenses will count as earned income for the client. If the owner receives a salary, we count all payments for services as an employee as regular earned income. There are</p>	UPDATED LANGUAGE	

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		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.	<p>situations where the owner of an LLC or S-Corporation may receive a salary and a draw, so both sources of income must be counted.</p> <p>Client statement of LLC and S-Corporation income is acceptable, unless questionable. If the income meets the SNAP definition of questionable, verification can be provided in the form of pay stubs, bank records, the LLC or S-Corporation owner's individual form 1040, or any other document that sufficiently establishes countable earned income for the owner.</p>		
4.403.2(C)	Incorrect language	<p>4.403.2 Boarder Income</p> <p>C. The monthly net income (after subtracting costs of doing business) from self-employment shall be added to other monthly earned income and the twenty percent (20%) earned income deduction shall be applied to the total dollar amount. If the cents in the total are one (1) through forty-nine (49), the total is rounded down to the lower dollar, if the cents are fifty (50) through ninety-nine (99), the total is rounded to the next higher dollar.</p>	<p>4.403.2 Boarder Income</p> <p>***</p> <p>C. The monthly net income (after subtracting costs of doing business) from self-employment shall be added to other monthly earned income and the twenty percent (20%) earned income deduction shall be applied to the total dollar amount.</p>	REMOVED LANGUAGE	
4.407(A)	Incorrect language	<p>4.407 DEDUCTIONS AND EXCLUSIONS FROM INCOME</p> <p>A. Allowable deductions are subtracted from total monthly gross income to determine the household's monthly net SNAP income. The monthly income shall be rounded down to the lower dollar if it ends in one (1) through forty-nine (49) cents and</p>	<p>4.407 DEDUCTIONS AND EXCLUSIONS FROM INCOME</p> <p>A. Allowable deductions are subtracted from total monthly gross income to determine the household's monthly net SNAP income.</p>	REMOVED LANGUAGE	

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		rounded to the next dollar amount if it ends in fifty (50) through ninety-nine (99) cents before deductions are considered.			
4.407.2(A)	Incorrect language	4.407.2 Earned Income Deduction A. A household with earned income shall receive a deduction of twenty percent (20%) of its gross nonexempt earned income, which is rounded down to the lower dollar if it ends in the one (1) through forty-nine (49) cents and rounded up to the next dollar amount if it ends in fifty (50) through ninety-nine (99) cents. The twenty percent (20%) deduction shall also apply to prorated income earned by the disqualified member and attributed to the household.	4.407.2 Earned Income Deduction A. A household with earned income shall receive a deduction of twenty percent (20%) of its gross nonexempt earned income. The twenty percent (20%) deduction shall also apply to prorated income earned by the disqualified member and attributed to the household.	REMOVED LANGUAGE	
4.407.4(A)	Missing language	4.407.4 Dependent Care Deduction Refer to Section 4.407.6 if the attendant care is for a household member who is age sixty (60) or older or who receives SSI or Social Security disability payments. The attendant costs, including meals provided, shall be considered as a medical expense. A. Dependent care expenses, as billed to a household member or as paid by or billed to a person disqualified for being an ineligible non-citizen or failure to provide or apply for a SSN, for the care of a child or dependent	4.407.4 Dependent Care Deduction Refer to Section 4.407.6 if the attendant care is for a household member who is age sixty (60) or older or who receives SSI or Social Security disability payments. The attendant costs, including meals provided, shall be considered as a medical expense. A. Dependent care expenses, as billed to a household member or as paid by or billed to a person disqualified for being an ineligible non-citizen or failure to provide or apply for a SSN, for the care of a child or dependent with disabilities shall be considered when the dependent care expenses are necessary for a household member to accept or continue employment, seek employment, or	ADDED LANGUAGE	

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		<p>with disabilities shall be considered when the dependent care expenses are necessary for a household member to accept or continue employment, seek employment, or attend training or pursue education which is preparatory to employment. Dependent care expenses that are paid by or billed to the disqualified person shall be divided equally among all household members and the disqualified person. All except the disqualified member's pro rata share is considered for a deduction.</p> <p>The dependent care deduction that is paid by or billed to individuals disqualified for intentional Program violation/fraud will be allowed in its entirety.</p> <p>Allowable dependent care costs include:</p> <ol style="list-style-type: none"> 1. The cost of care given by an individual care provider or care facility; 2. Transportation costs to and from the care facility; and 3. Activity or other fees associated with the care provided to the dependent that are necessary for the household to participate in the care. 	<p>attend training or pursue education which is preparatory to employment. Dependent care expenses that are paid by or billed to the disqualified person shall be divided equally among all household members and the disqualified person. All except the disqualified member's pro rata share is considered for a deduction.</p> <p>The dependent care deduction that is paid by or billed to individuals disqualified for intentional Program violation/fraud will be allowed in its entirety.</p> <p>Allowable dependent care costs include:</p> <ol style="list-style-type: none"> 1. The cost of care given by an individual care provider or care facility; 2. Transportation costs to and from the care facility. Mileage expenses must be calculated based on the prevailing Internal Revenue Service (IRS) business rate published annually at https://www.irs.gov/tax-professionals/standard-mileage-rates; and 3. Activity or other fees associated with the care provided to the dependent that are necessary for the household to participate in the care. 		
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4.505.4	Outdated language	<p>4.505.4 Verification of Household Composition</p> <p>A. If questionable, the local office shall verify any factors affecting the composition of a household. The household's statement regarding food purchasing and preparation shall generally be accepted because of the difficulty of verifying such arrangements.</p> <p>B. Individuals described in Section 4.304, B, 4, declaring separate household status from others in the household shall be responsible for providing necessary income information of other household members and medical statements that the individual(s) cannot purchase and prepare their own meals if questionable and requested by the local office.</p> <p>C. A household that requests benefits for a child that is already receiving benefits in another household is responsible for verifying that they provide the child with most of his or her meals prior to receiving benefits for that child. When determining the majority of meals for shared living arrangements, acceptable documentation includes, but is not limited to: custody arrangements, school enrollment forms, dependent care forms, a statement from each household, or any other document that can reasonably be used to determine meals.</p>	<p>4.505.4 Verification of Household Composition</p> <p>A. Local offices shall accept the household's statement, without requiring verification, regarding household composition unless the statement is questionable or there is unclear information, as defined in Section 4.000.1.</p> <p>B. Persons aged sixty (60) and older experiencing a disability as described in Section 4.304.3, A, declaring separate household status from others in the household shall be responsible for providing necessary income information of other household members and medical statements that the individual(s) cannot purchase and prepare their own meals if questionable and requested by the local office.</p> <p>C. A household that requests benefits for a child that is already receiving benefits in another household is responsible for verifying that they provide the child with the majority of his or her meals prior to receiving benefits for that child as described in Section 4.304.1. B.</p>	UPDATED LANGUAGE	
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		<p>One household's written or verbal statement regarding its provision of more than fifty percent (50%) of the meals shall not be the only verification used when the statement results in removing a child from one SNAP household and placing the child in another SNAP household. A calendar completed by the household showing how many meals it provides a child shall be considered a written statement from the household. If both households that are requesting assistance for a child each provide a verbal or written statement regarding how many meals each provides, then both households' statements shall be used as verification to determine who provides more than fifty percent (50%) of the child's meals.</p>			
4.707.9	Outdated language	<p>4.707.9 Issuance Methods</p> <p>The issuance office may mail EBT cards to all eligible households or establish over the counter issuance with optional mail issuance at the request of the household. Certified households must be issued EBT cards by the end of the month except when benefits are suspended, cancelled, or reduced.</p> <p>If benefits have been suspended, and the local office receives a directive to resume issuance of benefits, the issuance of mailed or over the counter EBT cards will be staggered through the end of the month or over a five-day period following the resumption of issuance. This could result in benefits being issued after the</p>	<p>4.707.9 ISSUANCE METHODS</p> <p>The issuance office shall mail EBT cards to all eligible households if the household does not utilize any available in-person pick up option. Certified households must be issued EBT cards by the end of the month except when benefits are suspended, cancelled, or reduced.</p> <p>If benefits have been suspended, and the local office receives a directive to resume issuance of benefits, the issuance of mailed or over the counter EBT cards will be staggered through the end of the month or over a five-day period following the resumption of issuance. This could result in benefits being issued after the end of the month in which the suspension occurred.</p>	UPDATED LANGAUGE	

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		end of the month in which the suspension occurred.			
4.707.91	Outdated language	<p>4.707.91 Mail Issuance</p> <p>A. Exclusive Mail Issuance</p> <p>Local offices which rely exclusively on mail issuance shall ensure that participants receive allotments on a timely basis and that eligible households with no income receive expedited issuance in accordance with Sections 4.205 and 4.701.</p> <p>B. Optional Mail Issuance</p> <p>When over the counter and mail issuance are offered, a household must request mail issuance.</p> <p>C. Prevention of Mail Issuance Losses</p> <p>All EBT cards shall be mailed as first-class mail, in sturdy non-forwarding envelopes.</p> <p>D. Liability for EBT Cards Lost in the Mail</p> <p>USDA/FCS will assume financial liability for all properly issued EBT cards lost in the mail except losses in excess of three tenths of a percent (0.3%) of the state total quarterly mail issuance loss. Each local office that has a mail loss during a quarter will be assessed a percentage of the</p>	<p>4.707.91 Mail Issuance</p> <p>A. Prevention of Mail Issuance Losses</p> <p>All EBT cards shall be mailed as first-class mail, in sturdy non-forwarding envelopes.</p> <p>B. Liability for EBT Cards Lost in the Mail</p> <p>USDA/FCS will assume financial liability for all properly issued EBT cards lost in the mail except losses in excess of three tenths of a percent (0.3%) of the state total quarterly mail issuance loss. Each local office that has a mail loss during a quarter will be assessed a percentage of the state total penalty when a penalty is assessed against the state by the USDA/FNS.</p> <p>C. SNAP Mail Issuance Report</p> <p>Form FNS-259 reports shall be submitted by local offices for each unit using a mail issuance system. Local offices shall submit Form FNS-259 reports so that they are received by the fifteenth (15th) day of the next month.</p>	REMOVED LANGAUGE	

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		<p>state total penalty when a penalty is assessed against the state by the USDA/FNS.</p> <p>E. SNAP Mail Issuance Report</p> <p>Form FNS-259 reports shall be submitted by local offices for each unit using a mail issuance system. Local offices shall submit Form FNS-259 reports so that they are received by the fifteenth (15th) day of the next month.</p>			
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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):

SNAP Regulation Workgroup, Office of Economic Security (OES) 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:

Office of Economic Security (OES) PAC

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 Sub-PAC		
Date presented	Presented 3/7/24; Voted 4/4/24		
What issues were raised?	None		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	16	0	1
If not presented, explain why.			

PAC

Have these rules been approved by PAC?

☒ Yes ☐ No

Date presented	5/02/24		
What issues were raised?	None		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	15	0	2
If not presented, explain why.			

Other Comments

Comments were received from stakeholders on the proposed rules:

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☐ 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.

4.000.1 SNAP DEFINITIONS

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

4.140 CONFIDENTIALITY

- A. If there is a written request by a responsible member of the household, the current authorized representative, or a person acting on behalf of the household to review materials contained in the case record, the material and information contained in the case record shall be made available ~~TO THE REQUESTOR for inspection as defined in 4.000.1.~~

4.201 APPLICATION PROCESSING

- 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 SNAP benefits are distributed without regard to race, color, or national origin. ~~HOUSEHOLDS THAT DO NOT DECLARE RACE AND/OR ETHNICITY INFORMATION SHALL NOT BE SUBJECT TO ADDITIONAL OBSERVATION OR QUESTIONING TO OBTAIN SUCH INFORMATION. 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 ~~TECHNICIAN~~ worker challenge or change a self-declaration made by a household member.

4.207.1 Newly-Certified and Ongoing Households

- B. All newly-certified households shall be given an opportunity to participate no later than thirty (30) calendar days following the date the application was filed. Households eligible for expedited service shall be given an opportunity to participate no later than seven (7) calendar days following the date the application was filed. Day one (1) is the first calendar day after the application is received by a local office in the correct county. An opportunity to participate consists of providing households with an active EBT card and PIN, posting benefits to the household's EBT account, and making benefits available for spending.

Local offices ~~SHALL UTILIZE~~utilizing a mailing system ~~TO~~shall mail EBT cards and PIN~~SS~~, if applicable, ~~BY THE TWENTY-EIGHTH (28TH) DAY in time~~ to ensure that the benefits can be spent ~~before~~ BY the thirty (30) day standard. ~~if the EBT card or PIN is mailed on the TWENTY-EIGHTH (28th)~~twenty-ninth (29th) or thirtieth (30th) day. Local offices ~~that issue EBT cards by mail~~ shall, at a minimum, use first class mail to send EBT cards to households.

4.207.3 Benefit Allotment

- A. After eligibility has been established, the monthly SNAP benefit allotment will be determined. The state automated system will compute the household's allotment. The following formula shall be used to determine a household's benefit allotment.

1. Multiply the net monthly income by thirty percent (30%)
2. Subtract the result from the maximum benefit allowed for the appropriate household size, as shown in D below.
3. **ROUND THE RESULT DOWN TO THE NEAREST DOLLAR.**

4.304 DETERMINING HOUSEHOLD COMPOSITION

- ~~A. All applications shall be submitted on behalf of a household. Some groups of individuals living together are required to be included in the same SNAP household in accordance with Section 4.304.1.~~
- ~~B. A household may be composed of any of the following individuals or groups of individuals:~~
- ~~1. An individual living alone.~~
 - ~~2. An individual living with others but customarily purchasing food and preparing meals for home consumption separate and apart from the others.~~
 - ~~3. A group of individuals living together who customarily purchase and prepare food together for home consumption.~~
 - ~~4. An individual who is sixty (60) years of age or older, and the spouse of such individual, living with others, who is unable to purchase and prepare meals because they suffer from a disability considered permanent under the Social Security Act or suffers from a non-disease-related, severe, permanent disability. However, for such a person to be eligible, the income (all nonexempt earned and unearned income) of the other members (excluding the person(s) with disabilities and their spouse) with whom the individual resides cannot exceed one hundred sixty five percent (165%) of the federal poverty level according to household size as provided in Section 4.401.1.~~

A. DETERMINING HOUSEHOLD COMPOSITION

IT IS POSSIBLE FOR MORE THAN ONE SNAP HOUSEHOLD TO LIVE UNDER THE SAME ROOF, ON THE SAME PROPERTY, OR AT THE SAME ADDRESS.

1. A HOUSEHOLD IS A GROUP OF INDIVIDUALS WHO LIVE TOGETHER AND CUSTOMARILY PURCHASE AND PREPARE FOOD TOGETHER FOR HOME CONSUMPTION.
2. EACH HOUSEHOLD MAY APPLY AS A SEPARATE HOUSEHOLD IF THEY ARE NOT MANDATORY HOUSEHOLD MEMBERS DUE TO THEIR RELATIONSHIPS OR FINANCIAL RESPONSIBILITY.
 - A. INDIVIDUALS EXPERIENCING HOMELESSNESS CAN BE DETERMINED AS A SEPARATE HOUSEHOLD UNDER THIS PROVISION.
3. IF THE CLIENT IS CURRENTLY PURCHASING AND PREPARING WITH OTHER INDIVIDUALS BUT UPON APPROVAL OF SNAP BENEFITS INTENDS TO PURCHASE AND PREPARE SEPARATELY, SEPARATE HOUSEHOLD STATUS CAN BE GRANTED.

4.304.1 MANDATORY HOUSEHOLD MEMBERS ~~Persons Ineligible for Separate Household Status~~

~~Separate household status shall not be granted to the following, except as noted:~~

- ~~A. Children twenty-one (21) years of age and under, who live with at least one (1) natural parent, adoptive parent, or stepparent, shall not be considered a separate household from the natural, adoptive, or stepparent, even if they purchase and prepare meals separately.~~

~~If a child lives in the same home with both parents, both parents, regardless of their marital status, shall be included in the household, even if one (1) parent does not request assistance or declares that they purchase and prepare meals separately from the other parent and child.~~

- ~~B. Children, excluding foster children, who are under eighteen (18) years of age who purchase and prepare meals separately but live under the parental control of an adult household member who is not the natural parent, adoptive parent, or stepparent, cannot be separate households. A child is under parental control if they are financially dependent on an adult member of the household, unless the State of Colorado defines the child as an adult or an emancipated minor.~~

- ~~C. The spouse of a household member shall not be a separate household when they are living together, even if they purchase and prepare meals separately.~~

~~1. Spouses refer to:~~

~~a. Persons who are defined as married to each other under state law; or,~~

~~b. Persons who are living together, are free to marry, and represent themselves as spouses to relatives, friends, neighbors, and tradespeople.~~

- ~~2. Spouses who are living together and legally separated are eligible for separate household status unless paragraph A of this section applies.~~

- ~~3. If two adults are in a relationship but are not considered married as specified in C, 1, of this section, and there is a child living in the home but only one (1) of the parents is the biological or adoptive parent to the child, the non-biological parent does not have to be considered part of the household if the non-biological parent is: not the natural or adoptive parent to the child, not exercising parental control of the child as specified in B of this section, purchasing and preparing meals separately from the rest of the household.~~

ALL MANDATORY HOUSEHOLD MEMBERS WHO LIVE TOGETHER MUST BE CONSIDERED IN THE SAME HOUSEHOLD, EVEN IF THE MANDATORY INDIVIDUALS DECLARE THEY DO NOT CUSTOMARILY PURCHASE AND PREPARE THEIR FOOD TOGETHER FOR HOME CONSUMPTION.

A. PARENTS AND CHILDREN

1. A PERSON AGED TWENTY-ONE (21) YEARS AND YOUNGER LIVING WITH THEIR NATURAL OR ADOPTIVE PARENT(S) OR STEPPARENT(S).

A. IF THE CHILD LIVES IN THE SAME HOME WITH BOTH PARENTS, REGARDLESS OF MARITAL STATUS OR WHETHER OR NOT THE PARENTS PURCHASE AND PREPARE THEIR FOOD TOGETHER, BOTH PARENTS MUST BE INCLUDED IN THE SNAP HOUSEHOLD.

2. A CHILD (OTHER THAN A FOSTER CHILD) UNDER EIGHTEEN (18) YEARS OF AGE WHO IS LIVING WITH AND IS UNDER THE PARENTAL CONTROL OF A HOUSEHOLD MEMBER OTHER THAN THEIR PARENT.

A. A CHILD UNDER EIGHTEEN (18) YEARS OF AGE IS CONSIDERED TO BE UNDER PARENTAL CONTROL OF AN INDIVIDUAL IF THE CHILD IS FINANCIALLY OR OTHERWISE DEPENDENT ON THAT INDIVIDUAL MEMBER OF THE HOUSEHOLD UNLESS EMANCIPATED AS DEFINED BY STATE LAW.

B. SPOUSES

1. SPOUSES REFER TO:
 - A. PERSONS DEFINED AS MARRIED TO EACH OTHER UNDER STATE LAW.
 - B. PERSONS LIVING TOGETHER WHO ARE FREE TO MARRY AND ARE REPRESENTING THEMSELVES AS SPOUSES TO RELATIVES, FRIENDS, NEIGHBORS, OR THE LARGER COMMUNITY.
2. IN SITUATIONS WHERE A SPOUSE IS IN AN ESTABLISHED RESIDENCE ELSEWHERE BUT STILL CONTRIBUTES FINANCIALLY TO THE HOUSEHOLD, THE VALUE OF THE FINANCIAL CONTRIBUTION WILL BE COUNTED AS UNEARNED INCOME TO THE HOUSEHOLD IN DETERMINING ELIGIBILITY. PLEASE REFER TO SECTION 4.304.4 FOR MORE INFORMATION.

C. PERSONS AGED SIXTY (60) AND OLDER EXPERIENCING A DISABILITY WHO LIVE WITH OTHERS WHOSE INCOME EXCEEDS 165% OF THE FEDERAL POVERTY LINE (FPL)

1. PERSONS AGED SIXTY (60) AND OLDER WHO ARE ALSO EXPERIENCING A DISABILITY WHO ARE UNABLE TO PURCHASE AND PREPARE THEIR OWN MEALS AND ARE RESIDING WITH OTHER INDIVIDUALS WHOSE INCOME EXCEEDS 165% OF THE FPL MUST BE IN THE SAME HOUSEHOLD.
2. WHEN APPLYING THE 165% LIMIT TEST, THE SPOUSE OF AN ELDERLY PERSON WITH DISABILITIES IS NOT TO BE CONSIDERED A MEMBER OF THEIR HOUSEHOLD UNLESS THE SPOUSE IS THE PERSON PURCHASING AND PREPARING MEALS. IF THE SPOUSE IS NOT A MEMBER OF THE HOUSEHOLD, THE SPOUSE'S INCOME AND RESOURCES ARE EXCLUDED IN CALCULATING THE HOUSEHOLD'S ELIGIBILITY.

4.304.2 ~~Shared Living Arrangements~~ CHILDREN IN SHARED CUSTODY ARRANGEMENTS

- ~~A. In instances when two (2) households request SNAP 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 SNAP 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 SNAP benefits for the child for the duration of the certification period, then the household that applies for SNAP benefits for the child first shall be able to receive benefits for the child.~~
- ~~C. In instances when a client or ongoing household requests benefits for a child who is already receiving SNAP in another household, the household who provides the child with the majority of meals shall be eligible to receive benefits for the child.~~
- A. IN INSTANCES WHEN DIFFERENT HOUSEHOLDS APPLY FOR THE SAME CHILD, THE HOUSEHOLD THAT APPLIES FOR BENEFITS FOR THE CHILD SECOND MUST ESTABLISH THAT IT HAS MAJORITY CUSTODY AND/OR PROVIDE A MAJORITY OF THE CHILD'S MEALS.
 - B. IF THE SECOND REQUESTING HOUSEHOLD PROVIDES VERIFICATION THAT INDICATES THAT HOUSEHOLD POSSESSES MAJORITY CUSTODY AND PROVIDES THE MAJORITY OF MEALS, THIS CONSTITUTES UNCLEAR INFORMATION AS TO THE FIRST HOUSEHOLD UNDER WHICH THE CHILD IS CURRENTLY RECEIVING BENEFITS.
 1. A REQUEST FOR CONTACT (RFC) MUST BE INITIATED ON THE FIRST CASE IF VERIFICATION WAS NOT PREVIOUSLY PROVIDED TO ESTABLISH MAJORITY

CUSTODY AND/OR THAT THE MAJORITY OF MEALS ARE BEING PROVIDED. THE CONFIDENTIALITY RULES DESCRIBED IN SECTION 4.140 MUST BE FOLLOWED WHEN MAKING THIS REQUEST.

- A. IF THE TWO DIFFERENT HOUSEHOLDS APPLYING FOR THE SAME CHILD CANNOT AGREE IN WHICH HOUSEHOLD THE CHILD SHALL RECEIVE BENEFITS THE HOUSEHOLD THAT PROVIDES THE MAJORITY OF MEALS TO THE CHILD(REN) IN QUESTION SHALL INCLUDE THE CHILD(REN) IN THEIR HOUSEHOLD. DEPENDING ON THE DOCUMENT BEING USED TO ESTABLISH MAJORITY CUSTODY AND MAJORITY OF MEALS, THE ELIGIBILITY WORKER MUST ENSURE THAT THEY ARE CONSIDERING A PERIOD OF TIME OF SUFFICIENT LENGTH TO ACCURATELY CAPTURE THE CUSTODY ARRANGEMENT, TAKING INTO ACCOUNT DISRUPTIONS TO ESTABLISHED ARRANGEMENTS SUCH AS HOLIDAYS AND SCHOOL BREAKS. ELIGIBILITY WORKERS MAY HAVE TO LOOK AT A LONGER PERIOD OF TIME THAN JUST THE LAST CALENDAR MONTH.
2. IF THE SECOND REQUESTING HOUSEHOLD PROVIDES VERIFICATION THAT CONCLUSIVELY PROVES IT HAS MAJORITY CUSTODY OF THE CHILD AND PROVIDES MAJORITY OF MEALS AS OF THE REQUEST TO INCLUDE THE CHILD(REN) IN ITS HOUSEHOLD, THE CHILD(REN) SHOULD BE REMOVED FROM THE FIRST CASE AND ADDED TO THE SECOND CASE AS DETAILED IN SECTION 4.604.G TO AVOID DUAL PARTICIPATION.
3. IF THE TWO HOUSEHOLDS PROVIDE AN EQUAL NUMBER OF MEALS TO THE CHILD(REN), THEN THE SNAP HOUSEHOLD CURRENTLY RECEIVING BENEFITS OR WHO APPLIED FIRST SHALL RECEIVE BENEFITS FOR THE CHILD(REN).
4. IF ONE HOUSEHOLD FAILS TO PROVIDE VERIFICATION OF THE PERCENTAGE OF MEALS THEY PROVIDE TO THE CHILD(REN), THE CHILD(REN) SHALL REMAIN IN THE HOUSEHOLD IN WHICH THEY FIRST BEGAN RECEIVING SNAP BENEFITS.

4.304.3 ~~Non-Household Members~~ OPTIONAL 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.~~

PERSONS AGED SIXTY (60) AND OLDER EXPERIENCING A DISABILITY WHO LIVE WITH OTHERS WHOSE INCOME DOES NOT EXCEED 165% FEDERAL POVERTY LEVEL (FPL).

1. PERSONS AGED SIXTY (60) AND OLDER WHO ARE ALSO PERSONS WITH DISABILITIES WHO ARE UNABLE TO PURCHASE AND PREPARE THEIR OWN MEALS AND ARE RESIDING WITH OTHER INDIVIDUALS WHOSE INCOME DOES NOT EXCEED 165% OF THE FPL CAN BE IN A SEPARATE HOUSEHOLD.
2. WHEN APPLYING THE 165% LIMIT TEST, A PERSON AGED SIXTY (60) AND OLDER WITH DISABILITIES' SPOUSE IS NOT TO BE CONSIDERED A MEMBER OF THE HOUSEHOLD UNLESS THE SPOUSE IS THE PERSON PURCHASING AND PREPARING MEALS. IF THE SPOUSE IS NOT A MEMBER OF THE HOUSEHOLD, THE SPOUSE'S INCOME AND RESOURCES ARE EXCLUDED IN CALCULATING THE HOUSEHOLD'S ELIGIBILITY.

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 they meet the eligibility criteria specified in Section 4.306.1.~~

~~FOSTER CHILDREN~~

1. IF A FOSTER PARENT CHOOSES NOT TO INCLUDE A FOSTER CHILD IN THEIR SNAP HOUSEHOLD, THE FOSTER CHILD NOT INCLUDED WILL NOT HAVE THEIR INCOME, RESOURCES/ASSETS, OR NEEDS INCLUDED IN THE ELIGIBILITY DETERMINATION FOR THE SNAP HOUSEHOLD.
2. IF THE FOSTER PARENT CHOOSES TO INCLUDE THE FOSTER CHILD IN THEIR SNAP HOUSEHOLD, THE FOSTER CHILD'S INCOME, AND RESOURCES/ASSETS, AS WELL AS THEIR NEEDS, ARE CONSIDERED IN THE ELIGIBILITY DETERMINATION.
3. THE FOSTER CHILD, INCLUDING A CHILD AND/OR SPOUSE OF THE FOSTER CHILD, MAY NOT APPLY FOR BENEFITS SEPARATELY FROM THE FOSTER FAMILY UNLESS THEY ARE OVER EIGHTEEN (18) AND NO LONGER UNDER THE PARENTAL CONTROL OF THE FOSTER PARENTS.

~~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.~~

~~CD. Boarders~~

~~Individuals residing with others and paying reasonable compensation to others for lodging and meals. Boarders are not eligible to participate in SNAP as a separate household.~~

1. ~~Boarders shall not be considered members of a 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.~~
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 SNAP 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.~~

1. BOARDERS ARE ONLY CONSIDERED MEMBERS OF A CLIENT'S SNAP HOUSEHOLD IF THE HOUSEHOLD REQUESTS THAT THEY BE CONSIDERED HOUSEHOLD MEMBERS.
2. IF A BOARDER IS NOT CONSIDERED A SNAP HOUSEHOLD MEMBER, THE BOARDER'S INCOME AND RESOURCES SHALL NOT BE CONSIDERED AVAILABLE TO THE HOUSEHOLD.
 - A. THE AMOUNT OF PAYMENT THAT A BOARDER GIVES TO A HOUSEHOLD FOR LODGING AND MEALS SHALL BE TREATED AS SELF-EMPLOYMENT INCOME TO THE SNAP HOUSEHOLD.
3. IF THE SNAP HOUSEHOLD REQUESTS TO INCLUDE THE BOARDER AS A HOUSEHOLD MEMBER, THE BOARDER'S INCOME AND RESOURCES/ASSETS SHALL BE CONSIDERED AVAILABLE TO THE SNAP HOUSEHOLD AND USED IN DETERMINING ELIGIBILITY AND ALLOTMENT.
4. PERSONS WHO ONLY WORK AND PROVIDE NO MONETARY COMPENSATION IN EXCHANGE FOR MEALS OR WHO MAKE PAYMENTS TO A THIRD PARTY ON THE HOUSEHOLD'S BEHALF IN EXCHANGE FOR MEALS WOULD NOT BE CLASSIFIED AS BOARDERS.
5. BOARDER STATUS SHALL NOT BE GRANTED TO INDIVIDUALS PAYING LESS THAN A REASONABLE MONTHLY PAYMENT FOR MEALS. AN INDIVIDUAL NOT PAYING A REASONABLE MONTHLY PAYMENT FOR MEALS WILL BE CONSIDERED A MEMBER OF THE HOUSEHOLD WHICH PROVIDES THE MEALS AND LODGING.
 - A. A REASONABLE MONTHLY PAYMENT IS ONE OF THE FOLLOWING:
 - 1) BOARDERS, WHOSE BOARD ARRANGEMENT IS FOR MORE THAN TWO (2) MEALS PER DAY, SHALL PAY AN AMOUNT THAT EQUALS OR EXCEEDS THE MAXIMUM SNAP ALLOTMENT FOR THE NUMBER OF PERSONS IN THE BOARDER SNAP HOUSEHOLD.
 - 2) BOARDERS, WHOSE BOARD ARRANGEMENT IS FOR TWO (2) MEALS OR FEWER PER DAY, SHALL PAY AN AMOUNT THAT EQUALS OR EXCEEDS TWO-THIRDS OF THE MAXIMUM ALLOTMENT FOR THE NUMBER OF PERSONS IN THE BOARDER HOUSEHOLD.
 - B. WHEN THE BOARDER'S PAYMENTS FOR A ROOM ARE DISTINGUISHABLE FROM THEIR PAYMENTS FOR MEALS, ONLY THE AMOUNT PAID FOR MEALS WILL BE CONSIDERED IN DETERMINING IF REASONABLE COMPENSATION IS BEING PAID FOR MEALS.

4.304.31 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 IN 4.304.3:

A. BOARDERS

BOARDERS ARE INDIVIDUALS RESIDING WITH OTHERS AND PAYING REASONABLE COMPENSATION FOR LODGING AND MEALS.

BOARDERS CANNOT PARTICIPATE IN SNAP AS SEPARATE HOUSEHOLDS.

B. ROOMERS

ROOMERS ARE INDIVIDUALS TO WHOM A HOUSEHOLD FURNISHES LODGING, BUT NOT MEALS, FOR COMPENSATION.

ROOMERS WHO ARE OTHERWISE ELIGIBLE MAY PARTICIPATE IN SNAP AS SEPARATE HOUSEHOLDS.

C. LIVE-IN ATTENDANT

LIVE-IN ATTENDANTS ARE INDIVIDUALS WHO LIVE WITH A HOUSEHOLD TO PROVIDE MEDICAL, HOUSEKEEPING, CHILDCARE, OR OTHER SIMILAR PERSONAL SERVICES.

LIVE-IN ATTENDANTS, WHO ARE OTHERWISE ELIGIBLE MAY, PARTICIPATE IN SNAP AS SEPARATE HOUSEHOLDS.

4.304.32 ESTABLISHED RESIDENCE SEPARATE AND APART

MANDATORY HOUSEHOLD MEMBERS WHO LIVE TOGETHER MUST BE INCLUDED IN THE SAME HOUSEHOLD UNLESS ONE OF THE MANDATORY INDIVIDUALS HAS ESTABLISHED A RESIDENCE SEPARATE AND APART FROM THE OTHER MANDATORY HOUSEHOLD MEMBERS.

A RESIDENCE SHALL ONLY BE CONSIDERED ESTABLISHED AS SEPARATE AND APART FROM MANDATORY SNAP HOUSEHOLD MEMBERS WHEN THE INDIVIDUAL PAYS SHELTER EXPENSES, SUPPORTS THE MAINTENANCE OF THE OTHER RESIDENCE, AND HAS PROVIDED THAT SEPARATE ADDRESS TO OTHER GOVERNMENTAL ORGANIZATIONS OR AN EMPLOYER AS THEIR PRIMARY RESIDENCE. SUPPORTING THE MAINTENANCE OF ANOTHER RESIDENCE CAN BE DEMONSTRATED THROUGH PAYING RENT/MORTGAGE, PAYING UTILITIES, PAYING INSURANCE, OR OTHER CHARGES NECESSARY TO MAINTAIN THE RESIDENCE.

WHEN IT IS DETERMINED THAT A PERSON WHO WOULD NORMALLY BE CONSIDERED A MANDATORY HOUSEHOLD MEMBER HAS ESTABLISHED A RESIDENCE SEPARATE AND APART AND IS NOT REQUIRED TO BE CONSIDERED PART OF THE SNAP HOUSEHOLD, ANY MONIES THAT PERSON PROVIDES TO THE SNAP HOUSEHOLD SHOULD BE CONSIDERED AS UNEARNED INCOME.

EXAMPLES INCLUDE, BUT ARE NOT LIMITED TO:

- A. A TRUCK DRIVER WHO IS AWAY FROM THE HOUSEHOLD, RETURNS AT THE END OF EACH TRIP, AND HAS NOT ESTABLISHED A RESIDENCE SEPARATE AND APART MUST BE CONSIDERED A HOUSEHOLD MEMBER.
- B. A SPOUSE IN THE ARMED FORCES MAY BE CONSIDERED A NON-HOUSEHOLD MEMBER IF THE SPOUSE IS AWAY ON ASSIGNMENT FOR A CALENDAR MONTH OR LONGER AND HAS ESTABLISHED A RESIDENCE SEPARATE AND APART.
- C. OIL FIELD WORKERS LIVING ON-SITE WHILE WORKING AWAY FROM THE PRIMARY RESIDENCE MAY BE CONSIDERED A NON-HOUSEHOLD MEMBER IF THE SPOUSE IS

AWAY ON ASSIGNMENT FOR A CALENDAR MONTH OR LONGER AND HAS ESTABLISHED A RESIDENCE SEPARATE AND APART.

4.311.3 ABAWD Time Limits

C. The ABAWD time limit clock:

1. Counts accrued countable months for all ABAWDs who are not in compliance with work requirements and do not have an exemption; and
2. Resets accrued countable months and ABAWD disqualifications, regardless of start date, for all ABAWDs every thirty-six (36) calendar months starting ~~JULY October~~ 1, 2023~~49~~.

4.402 HOUSEHOLD INCOME ELIGIBILITY

A. Determining Income

1. Income eligibility shall be determined prospectively based on the eligibility technician's anticipation of income at the time of application and when changes are made known to the local office.
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.~~

4.403 COUNTABLE EARNED INCOME

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

For SNAP 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.~~

If the owner of the LLC or S-Corporation takes a draw, the total business income minus all expenses will count as earned income for the client. If the owner receives a salary, we count all payments for services as an employee as regular earned income. There are situations where the owner of an LLC or S-Corporation may receive a salary and a draw, so both sources of income must be counted.

Client statement of LLC and S-Corporation income is acceptable, unless questionable. If the income meets the SNAP definition of questionable, verification can be provided in the form of pay stubs, bank records, the LLC or S-Corporation owner's individual form 1040, or any other document that sufficiently establishes countable earned income for the owner.

4.403.2 Boarder Income

- C. The monthly net income (after subtracting costs of doing business) from self-employment shall be added to other monthly earned income and the twenty percent (20%) earned income deduction shall be applied to the total dollar amount. ~~If the cents in the total are one (1) through forty-nine (49), the total is rounded down to the lower dollar, if the cents are fifty (50) through ninety-nine (99), the total is rounded to the next higher dollar.~~

4.407 DEDUCTIONS AND EXCLUSIONS FROM INCOME

- A. Allowable deductions are subtracted from total monthly gross income to determine the household's monthly net SNAP 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.~~

4.407.2 Earned Income Deduction

- A. A household with earned income shall receive a deduction of twenty percent (20%) of its gross nonexempt earned income, ~~which is rounded down to the lower dollar if it ends in the one (1) through forty-nine (49) cents and rounded up to the next dollar amount if it ends in fifty (50) through ninety-nine (99) cents.~~ The twenty percent (20%) deduction shall also apply to prorated income earned by the disqualified member and attributed to the household.

4.407.4 Dependent Care Deduction

Refer to Section 4.407.6 if the attendant care is for a household member who is age sixty (60) or older or who receives SSI or Social Security disability payments. The attendant costs, including meals provided, shall be considered as a medical expense.

- A. Dependent care expenses, as billed to a household member or as paid by or billed to a person disqualified for being an ineligible non-citizen or failure to provide or apply for a SSN, for the care of a child or dependent with disabilities shall be considered when the dependent care expenses are necessary for a household member to accept or continue employment, seek employment, or attend training or pursue education which is preparatory to employment. Dependent care expenses that are paid by or billed to the disqualified person shall be divided equally among all household members and the disqualified person. All except the disqualified member's pro rata share is considered for a deduction.

The dependent care deduction that is paid by or billed to individuals disqualified for intentional Program violation/fraud will be allowed in its entirety.

Allowable dependent care costs include:

1. The cost of care given by an individual care provider or care facility;
 2. Transportation costs to and from the care facility. **MILEAGE EXPENSES MUST BE CALCULATED BASED ON THE PREVAILING INTERNAL REVENUE SERVICE (IRS) BUSINESS RATE PUBLISHED ANNUALLY AT [HTTPS://WWW.IRS.GOV/TAX-PROFESSIONALS/STANDARD-MILEAGE-RATES](https://www.irs.gov/tax-professionals/standard-mileage-rates)**; and
 3. Activity or other fees associated with the care provided to the dependent that are necessary for the household to participate in the care.
- B. The total dollar amount that the household is responsible to pay for dependent care expenses is deductible.
- C. Only direct monetary payments to an agency or a person outside of the household will be allowable. The value of in-kind benefits paid to an attendant, such as meals, is not considered for a dependent care deduction.
- D. A child care expense which is reimbursed or paid for by the JOBS program under Title IV-F of the Social Security Act or the Transitional Child Care (TCC) program shall not be a deductible expense.

4.505.4 Verification of Household Composition

- A. ~~If questionable, the local office shall verify any factors affecting the composition of a household. The household's statement regarding food purchasing and preparation shall generally be accepted because of the difficulty of verifying such arrangements. LOCAL OFFICES SHALL ACCEPT THE HOUSEHOLD'S STATEMENT, WITHOUT REQUIRING VERIFICATION, REGARDING HOUSEHOLD COMPOSITION UNLESS THE STATEMENT IS QUESTIONABLE OR THERE IS UNCLEAR INFORMATION, AS DEFINED IN SECTION 4.000.1.~~
- B. ~~Individuals described in Section 4.304, B, 4, declaring separate household status from others in the household shall be responsible for providing necessary income information of other household members and medical statements that the individual(s) cannot purchase and prepare their own meals if questionable and requested by the local office. PERSONS AGED SIXTY (60) AND OLDER EXPERIENCING A DISABILITY AS DESCRIBED IN SECTION 4.304.3.A, DECLARING SEPARATE HOUSEHOLD STATUS FROM OTHERS IN THE HOUSEHOLD SHALL BE RESPONSIBLE FOR PROVIDING NECESSARY INCOME INFORMATION OF OTHER HOUSEHOLD MEMBERS AND MEDICAL STATEMENTS THAT THE INDIVIDUAL(S) CANNOT PURCHASE AND PREPARE THEIR OWN MEALS IF QUESTIONABLE AND REQUESTED BY THE LOCAL OFFICE.~~
- C. ~~A household that requests benefits for a child that is already receiving benefits in another household is responsible for verifying that they provide the child with most of his or her meals prior to receiving benefits for that child. When determining the majority of meals for shared living arrangements, acceptable documentation includes, but is not limited to: custody arrangements, school enrollment forms, dependent care forms, a statement from each household, or any other document that can reasonably be used to determine meals.~~

~~One household's written or verbal statement regarding its provision of more than fifty percent (50%) of the meals shall not be the only verification used when the statement results in removing a child from one SNAP household and placing the child in another SNAP household. A calendar completed by the household showing how many meals it provides a child shall be considered a written statement from the household. If both households that are requesting assistance for a~~

~~child each provide a verbal or written statement regarding how many meals each provides, then both households' statements shall be used as verification to determine who provides more than fifty percent (50%) of the child's meals. A HOUSEHOLD THAT REQUESTS BENEFITS FOR A CHILD THAT IS ALREADY RECEIVING BENEFITS IN ANOTHER HOUSEHOLD IS RESPONSIBLE FOR VERIFYING THAT THEY PROVIDE THE CHILD WITH THE MAJORITY OF HIS OR HER MEALS PRIOR TO RECEIVING BENEFITS FOR THAT CHILD AS DESCRIBED IN SECTION 4.304.1. B.~~

4.707.9 Issuance Methods

The issuance office ~~SHALL~~ ~~may~~ mail EBT cards to all eligible households ~~IF THE HOUSEHOLD DOES NOT UTILIZE ANY AVAILABLE IN PERSON PICK UP OPTION or establish over the counter issuance with optional mail issuance at the request of the household.~~ Certified households must be issued EBT cards by the end of the month except when benefits are suspended, cancelled, or reduced.

If benefits have been suspended, and the local office receives a directive to resume issuance of benefits, the issuance of mailed or over the counter EBT cards will be staggered through the end of the month or over a five-day period following the resumption of issuance. This could result in benefits being issued after the end of the month in which the suspension occurred.

4.707.91 Mail Issuance

~~A. Exclusive Mail Issuance~~

~~Local offices which rely exclusively on mail issuance shall ensure that participants receive allotments on a timely basis and that eligible households with no income receive expedited issuance in accordance with Sections 4.205 and 4.701.~~

~~B. Optional Mail Issuance~~

~~When over the counter and mail issuance are offered, a household must request mail issuance.~~

~~AG. Prevention of Mail Issuance Losses~~

All EBT cards shall be mailed as first-class mail, in sturdy non-forwarding envelopes.

~~BD. Liability for EBT Cards Lost in the Mail~~

USDA/FCS will assume financial liability for all properly issued EBT cards lost in the mail except losses in excess of three tenths of a percent (0.3%) of the state total quarterly mail issuance loss. Each local office that has a mail loss during a quarter will be assessed a percentage of the state total penalty when a penalty is assessed against the state by the USDA/FNS.

~~CE. SNAP Mail Issuance Report~~

Form FNS-259 reports shall be submitted by local offices for each unit using a mail issuance system. Local offices shall submit Form FNS-259 reports so that they are received by the fifteenth (15th) day of the next month.