

NOTICE OF INTENT
Department of Children and Family Services
Economic Stability
Supplemental Nutritional Assistance Program (SNAP)
(LAC 67:III.1907 and 1987)

In accordance with the provisions of the Administrative Procedure Act R.S. 49:953 (A), the Department of Children and Family Services (DCFS) proposes to amend LAC 67:III, Subpart 3 Supplemental Nutritional Assistance Program (SNAP), Chapter 19 Certification of Eligible Households, Subchapter B Application Processing, Section 1907 Expedited Service-Initial and Subsequent Month Benefits, and Subchapter J Determining Household Eligibility and Benefit Levels, Section 1987 Categorical Eligibility for Certain Recipients.

Section 1907 is being amended to provide clarification regarding expedited processing standards.

Section 1987 is being amended to repeal broad-based categorical eligibility rules for households that receive only non-cash Temporary Assistance for Needy Families/Maintenance of Effort (TANF/MOE) funded benefit or service.

Pursuant to the authority granted to the department by the Food and Nutrition Services (FNS), the department considers these amendments necessary to add clarification and to facilitate the expenditure of SNAP funds.

Title 67

SOCIAL SERVICES

Part III. Economic Stability and Self-Sufficiency

**Subpart 3. Supplemental Nutritional Assistance Program
(SNAP)**

Chapter 19. Certification of Eligible Households

Subchapter B. Application Processing

§1907. Expedited Service-Initial and Subsequent Month Benefits

A. ~~Households certified~~ Eligible households that apply after the fifteenth of the month under the expedited processing standards shall be certified the initial month with prorated benefits and for the subsequent month with full benefits.

AUTHORITY NOTE: Promulgated in accordance with F.R. 46:44712 et seq., 7 CFR 273.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 8:10 (January 1982), amended by the Department of Children and Family Services, Economic Stability Section, LR 39:

Subchapter J. Determining Household Eligibility and Benefit Levels

§1987. Categorical Eligibility for Certain Recipients

A. Households Considered Categorically Eligible

1. Households in which a member is a recipient of benefits from the FITAP, STEP, and/or Kinship Care Subsidy Program, and households in which all members are recipients of SSI, shall be considered categorically eligible for SNAP.

2. "Recipient" includes an individual determined eligible for TANF or SSI benefits, but the benefits have not yet been paid.

3. "Recipient" shall also include a person determined eligible to receive zero benefits, i.e., a person whose benefits are being recouped or a TANF recipient whose benefits are less than \$10 and therefore does not receive any cash benefits.

4. A household shall not be considered categorically eligible if:

a. any member of that household is disqualified for an intentional program violation;

b. the household is disqualified for failure to comply with the work registration requirements.

c. any member of the household is ineligible because of a drug related felony.

5. The following persons shall not be considered a member of a household when determining categorical eligibility:

- a. an ineligible alien;
- b. an ineligible student;
- c. an institutionalized person;
- d. an individual who is disqualified for failure to comply with the work registration requirements;
- e. an individual who is disqualified for failure to provide or apply for a social security number;
- f. an individual who is on strike.

6. Households which are categorically eligible are considered to have met the following food stamp eligibility factors without additional verification:

- a. resources;
- b. Social Security numbers;
- c. sponsored alien information;
- d. residency.

7. These households also do not have to meet the gross and net income limits, but verification of income not counted for TANF/SSI is required (e.g., educational assistance). If questionable, the factors used to determine categorical eligibility shall be verified.

8. Categorically eligible households must meet all SNAP eligibility factors except as outlined above.

9. Changes reported by categorically-eligible SNAP households shall be handled according to established procedures except in the areas of resources or other categorical eligibility factors.

10. Benefits for categorically-eligible households shall be based on net income as for any other household. One and two person households will receive a minimum benefit of \$10. Households of three or more shall be denied if net income exceeds the level at which benefits are issued.

B. Application Processing

1. Households in which all members are applying for public assistance shall continue to be processed according to joint processing procedures. Until a determination is made on the public assistance application, the household's SNAP eligibility and benefit level shall be based on SNAP eligibility criteria. However, the local office shall postpone denying a potentially categorically-eligible household until the thirtieth day in case the household is determined eligible to receive public assistance benefits.

2. The household shall be informed on the notice of denial that it is required to notify the local office if its FITAP or SSI benefits are approved.

3. If the household is later determined eligible to receive public assistance benefits after the thirtieth day and is otherwise categorically eligible, benefits shall be provided using the original application along with other pertinent information occurring subsequent to the application.

4. The local office shall not reinterview the household but shall use any available information to update the application and/or make mail or phone contact with the household or authorized representative to determine any changes in circumstances. Any changes shall be initialed and the updated application re-signed by the authorized representative or authorized household member.

5. If eligibility for public assistance is determined within the 30-day SNAP processing time, benefits

shall be provided back to the date of application. If eligibility for public assistance is determined after the SNAP application is denied, benefits for the initial month shall be prorated from the effective date of the public assistance certification or the date of the SNAP application, whichever is later.

C. Certified households which become categorically eligible due to receipt of SSI benefits shall be eligible for the medical and uncapped shelter deductions from the beginning of the period for which the SSI benefits are authorized or the date of the SNAP application, whichever is later. These additional benefits shall be provided through restoration.

D. For SNAP purposes, Refugee Cash Assistance (RCA) benefits are not considered public assistance and, therefore, an RCA household is not categorically eligible.

~~E. Households considered broad based categorically eligible for Supplemental Nutrition Assistance Program (SNAP) benefits are households who receive a non-cash TANF/MOE funded benefit or service.~~

~~1. A household shall not be considered broad based categorically eligible if:~~

~~a. any member of that household is disqualified for an intentional program violation;~~

~~b. the household is disqualified for failure to comply with the work registration requirements;~~

~~c. any member of the household is ineligible because of a drug related felony.~~

~~2. The following persons shall not be considered a member of a household when determining broad based categorical eligibility:~~

~~a. an ineligible alien;~~

~~b. an ineligible student;~~

~~c. an institutionalized person;~~

~~d. an individual who is disqualified for failure to comply with the work registration requirements;~~

~~e. an individual who is disqualified for failure to provide or apply for a social security number;~~

~~f. an individual who is on strike.~~

~~3. Households which are broad based categorically eligible are considered to have met the resource eligibility factor without additional verification.~~

~~4. Broad based categorically eligible households must meet all Supplemental Nutrition Assistance Program eligibility factors except as outlined above.~~

~~5. Benefits for broad based categorically eligible households shall be based on net income as for any other household.~~

AUTHORITY NOTE: Promulgated in accordance with F.R. 51:28196 et seq., 7 CFR 271, 272, 273.10, and 274, F.R. 56:63612-63613, P.L. 104-193, 7 CFR 273.2(j)(2)(xi), Act 58, 2003 Reg. Session, 7 CFR 273.2, (j), P.L. 110-246.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 13:90 (February 1987), amended by the Department of Social Services, Office of Family Support, LR 18:1267 (November 1992), LR 24:1783 (September 1998), LR 26:349 (February 2000), LR 27:867 (June 2001), LR 27:1934 (November 2001), LR 30:495 (March 2004), amended by the Department of Children and Family Services, Economic Stability and Self-Sufficiency Section, LR 36:2531 (November 2010), LR 39:

Family Impact Statement

1. What effect will this Rule have on the stability of the family? This rule is not anticipated to have an effect on the family's stability.

2. What effect will this have on the authority and rights of persons regarding the education and supervision of their

children? This rule will have no effect on the authority and rights of persons regarding the education and supervision of their children.

3. What effect will this have on the functioning of the family? This rule will have no effect on the functioning of the family.

4. What effect will this have on family earnings and family budget? This rule is not anticipated to have an effect on family earnings or family budget.

5. What effect will this have on the behavior and personal responsibility of children? This rule will have no effect on the behavior and personal responsibility of children.

6. Is the family or local government able to perform the function as contained in this proposed Rule? No, these functions are department functions.

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

Small Business Impact Statement

The proposed Rule will have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Public Comments

All interested persons may submit written comments through, January 28, 2014, to Lisa Andry, Deputy Assistant Secretary of Programs, Department of Children and Family Services, P.O. Box 94065, Baton Rouge, Louisiana, 70804-9065.

Public Hearing

A public hearing on the proposed Rule will be held on January 28, 2014 at the Department of Children and Family Services, Iberville Building, 627 N. 4th Street, Seminar Room 1-127, Baton Rouge, Louisiana beginning at 9:00 a.m. All interested persons will be afforded an opportunity to submit

data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the Bureau of Appeals at least seven working days in advance of the hearing. For assistance, call 225-342-4120 (Voice and TDD).

Suzy Sonnier

Secretary