



September 21, 2021

**FOOD ASSISTANCE TRANSMITTAL LETTER NO. 421**

TO: Food Assistance Manual Holders

FROM: Matt Damschroder, Director

**SUBJECT: Food assistance: Group Living Arrangements.**

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date based on regulations from the United States Department of Agriculture (USDA) Food and Nutrition Services (FNS) and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

This rule has been reviewed by the Joint Committee on Agency Rule Review (JCARR) and will be effective on 11/1/2021.

**Chapter 6000**

**5101:4-6-26 "Food assistance: Group Living Arrangements."**

This rule describes the requirements of group living arrangements. Minor language changes were made for clarity; however, no substantive changes were made.

5101:4-6-26

**Food assistance: group living arrangements.**

## (A) What is a group living arrangement?

A group living arrangement is a public or private non-profit residential setting that:

- (1) Provides its residents with a majority of their meals (over fifty per cent of their meals daily);
- (2) Has no more than sixteen residents; and
- (3) Is certified by a public agency of the state of Ohio under section 1616(e) of the Social Security Act of 1935 (42 U.S.C. 1382e) (12/1999), or under comparable standards determined by the secretary of the United States department of agriculture (USDA).

## (B) What requirements shall a group living arrangement meet for its residents to be eligible to receive supplemental nutrition assistance program (SNAP) benefits?

- (1) Non-profit: the group living arrangement may be operated by a public agency or private organization but must be considered non-profit as defined in section 501 of the Internal Revenue Code (26 U.S.C. 501) ~~(03/2018)~~ (12/2019).
  - (a) The group living arrangement may verify its non-profit status by verifying that it is authorized by the USDA food and nutrition service (FNS) to accept SNAP benefits or by providing other documents.
  - (b) The verification of non-profit status may be contained in the license or certificate issued by the appropriate state agency. Not all group living arrangements certified or licensed by the state of Ohio are non-profit organizations.
  - (c) The county agency shall ensure that the group living arrangement has appropriate non-profit status.
- (2) Sixteen or fewer residents: in order to participate in SNAP under this rule, the maximum number of residents in the group living arrangement shall be sixteen. Not all residents have to be eligible for SNAP benefits for others to be eligible. For example: ~~if~~ when there are sixteen residents in a group home and ten apply and only nine are found eligible, the ineligibility of the one person does not affect the eligibility of the others.
- (3) Certification and licensure: the group living arrangement shall be certified or licensed by an agency of the state of Ohio that is authorized under section 1616(e) of the Social Security Act of 1935 (42 U.S.C. 1382e), or under

standards determined by the USDA secretary. Section 1616(e) of the Social Security Act (42 U.S.C. 1382e) requires Ohio to designate one or more state agencies with the authority to set and enforce standards for various types of group living arrangements. The county agency shall review the license or certificate of the particular group living arrangement.

(C) What state agencies have authority to certify or license group living arrangements?

The designated state agencies, their responsibilities, and the statutory references are:

- (1) Ohio department of mental health - licensing of residential facilities (section 5119.34 of the Revised Code; Chapter 5122:3-1 of the Administrative Code).
- (2) Ohio department of developmental disabilities - licensing of residential facilities for the mentally retarded and the developmentally disabled (section 5123.19 of the Revised Code; Chapter 5123:2-3 of the Administrative Code).
- (3) Ohio department of aging - certifying adult foster homes for older adults and investigating complaints of individuals residing in facilities licensed by the Ohio department of health (Chapter 173. of the Revised Code; agency 173 of the Administrative Code).
- (4) Ohio department of job and family services - licensing of group homes for children (section 5103.03 of the Revised Code; Chapter 5101:2-9 of the Administrative Code).

(D) What type of residents are eligible to live in a group living arrangement and still be eligible for benefits?

The resident(s) must be blind or disabled as defined in the definition of "elderly or disabled member" as ~~set forth~~ described in rule 5101:4-1-03 of the Administrative Code. Aged residents who are not also blind or disabled are not eligible.

(E) How can individuals living in a group living arrangement apply for benefits?

- (1) Disabled or blind residents of a group living arrangement may apply for benefits through:
  - (a) An authorized representative employed and designated by the group living arrangement;
  - (b) An authorized representative of their choice; or
  - (c) On their own behalf.

(2) The group living arrangement shall determine ~~if~~when a resident may apply on ~~his or her~~their own behalf based on the resident's physical and mental ability.

(3) Some residents of the group living arrangement may apply on their own behalf while other residents of the same group living arrangement may apply through the group living arrangement's representative.

(F) What must the county agency do before certifying any individuals residing in a group living arrangement?

The county agency shall verify that the group living arrangement meets the requirements described in paragraph (B) of this rule.

(G) How is assistance group composition determined for an individual residing in a group living arrangement?

(1) When the residents apply on their own behalf, the assistance group size must be determined in accordance with the definition of assistance group in rule 5101:4-2-03 of the Administrative Code. The county agency must certify these residents using the same provisions that apply to all other assistance groups.

(2) When the residents apply through the use of the group living arrangement's authorized representative, their eligibility must be determined as a one-person assistance group.

(H) How can food be purchased in a group living arrangement setting?

(1) When the residents are certified on their own behalf, the benefits may be returned to the group living arrangement to be used to purchase meals served communally or individually to eligible residents or retained and used to purchase and prepare food for their own consumption.

(2) The group living arrangement may purchase and prepare food to be consumed by eligible residents on a group basis when the residents normally obtain their meals at a central location as part of the group living arrangement's service or when meals are prepared at a central location for delivery to individual residents.

(3) When personalized meals are prepared and paid for with ~~food assistance~~SNAP benefits, the group living arrangement must ensure that the resident's benefits are used for meals intended for that resident.

(I) What are the responsibilities of the group living arrangement facility?

The group living arrangement must:

- (1) Provide a list of SNAP participants: on a periodic basis as determined by the county agency each group living arrangement shall provide the county agency with a list of currently participating residents and include a statement signed by the group living arrangement official attesting to the validity of the list.
- (2) Cooperate with on-site visits: the group living arrangement shall cooperate with the county agency when conducting periodic random on-site visits to the facility to assure the accuracy of the list and that the county agency's records are consistent and up-to-date. The frequency of these visits are determined by the county agency. During the visit, the county agency may also verify other information needed to certify the facility's residents.
- (3) Report when an assistance group leaves: the group living arrangement shall notify the county agency when an assistance group has left the group living arrangement and provide the residents with their electronic benefit transfer (EBT) card within five days of the ~~household's assistance group's~~ departure. When the assistance group has already left the center, the center shall return the EBT card to the county agency within five calendar days. The assistance group, not the group living arrangement, shall be allowed to sign for and receive any remaining benefits authorized.
- (4) Report changes: when the resident has made application on ~~his or her~~ their own behalf, the resident is responsible for reporting changes to the county agency as ~~provided~~ described in rule 5101:4-7-01 of the Administrative Code. When the group living arrangement is acting as the authorized representative, the group living arrangement shall notify the county agency, as ~~provided~~ described in rule 5101:4-7-01 of the Administrative Code, of changes in the assistance group's circumstances.
- (5) Loss, misuse or overpayment: the group living arrangement shall be responsible for any misrepresentation or intentional program violation ~~which~~ that it knowingly commits in the certification of residents. As an authorized representative described in ~~paragraph (A)(1) of~~ rule 5101:4-2-05 of the Administrative Code, the group living arrangement must be knowledgeable about assistance group circumstances and should carefully review those circumstances with residents prior to applying on their behalf. The group living arrangement shall be strictly liable for all losses or misuse of benefits held on behalf of resident assistance groups and for all overpayments ~~which~~ that occur while acting as an authorized representative. However, the group living arrangement is not responsible for any misrepresentation or intentional program violation ~~if~~ when a resident has made application on ~~his or her~~ their own behalf.

The resident applying on ~~his or her~~their own behalf shall be responsible for overpayments as would any other assistance group.

(J) What must the group living arrangement do with the remaining benefits when an assistance group leaves?

(1) When no benefits have been spent on behalf of the individual assistance group, the facility is to return the full value of any benefits already debited from the assistance group's current monthly allotment back into the assistance group's EBT account at the time the individual leaves the facility. These procedures are applicable at any time during the month.

(2) When the benefits have already been debited from the EBT account and any portion spent on behalf of the assistance group, the following procedures are to be followed:

(a) When the benefits have already been issued and the assistance group leaves the group living arrangement, prior to the sixteenth day of the month, the facility is to provide the assistance group with one half of its monthly allotment.

(b) When the assistance group leaves on or after the sixteenth day of the month and benefits have already been debited and used, the assistance group does not receive any benefits.

(3) The group living arrangement shall, ~~if~~when possible, provide the assistance group with a change report form to report the change of address and any other change in circumstances after leaving the group living arrangement. The group living arrangement shall also advise the assistance group to return the form to the appropriate county agency within the timeframe outlined in rule 5101:4-7-01 of the Administrative Code.

(4) The group living arrangement shall notify the county agency when the assistance group leaves by sending a completed JFS 04196, "Food Assistance Change Reporting" to the agency informing the agency of the ~~household's~~assistance group's change in address, new address ~~if~~when available, and that the group living arrangement is no longer the ~~household's~~assistance group's authorized representative.

(5) The group living arrangement is to return any EBT cards not provided to departing residents at the end of each month to the county agency.

(K) Can a group living arrangement redeem SNAP benefits?

Under the USDA FNS regulations, the only way a group living arrangement can redeem benefits is when the group living arrangement is certified as a retail food store. To become an authorized SNAP retailer the group living arrangement must:

- (1) Contact USDA FNS to apply to become a retailer.
  - (2) The group living arrangement authorized by USDA FNS as a retail food store may be penalized or disqualified ~~if~~when it is determined administratively or judicially that benefits were misappropriated or used for purchases that did not contribute to a certified assistance group's meals.
- (L) What should a county agency do ~~if~~when it believes a group living arrangement is inappropriately using benefits?

The county agency shall:

- (1) Promptly notify USDA FNS that an organization or institution is misusing benefits in its possession. However, the county agency shall take no action prior to USDA FNS action against the organization or institution.
- (2) When the USDA FNS disqualifies the group living arrangement as an authorized retail food store, the county agency shall suspend the authorized representative status for the same time; but residents applying on their own behalf will still be able to participate ~~if~~when otherwise eligible.
- (3) Establish a claim for overpayment when an overpayment is discovered during an investigation or hearing procedure for redemption violations in accordance with paragraph (I)(5) of this rule.

Effective: 11/1/2021  
Five Year Review (FYR) Dates: 7/13/2021 and 11/01/2026

CERTIFIED ELECTRONICALLY

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Certification

09/20/2021

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Date

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