

## **5101:4-2-03 Food stamps: AG definition, non-AG members eligible to participate as separate AGs, non-AG members ineligible to participate as separate AGs, and ineligible AGs.**

### **(A) General and special definitions**

An assistance group (AG) is composed of one of the following individuals or groups of individuals provided they are not residents of an institution, except as otherwise specified in paragraphs (E) to (H) of this rule, are not residents of a commercial boarding house, or are not boarders, except as otherwise specified in paragraphs (E) to (H) of this rule.

#### **(1) General definition**

An individual living alone or who, while living with others, customarily purchases food and prepares meals for home consumption separate and apart from the others.

A group of individuals who live together and customarily purchase food and prepare meals together for home consumption.

#### **(2) Special definition - spouses**

A person living with his or her spouse, as defined in rule 5101:4-1-03 of the Administrative Code, shall be considered as customarily purchasing food and preparing meals together, even if they do not do so.

#### **(3) Special definition - children living with their parents**

Children under twenty-two years old who live with their parents (natural, adoptive, or step) and their own children or spouses must be included in the same AG with their parents.

#### **(4) Special definition - person under parental control**

Persons (excluding foster children) under eighteen years of age AND UNMARRIED who live with and are under the parental control of another household member who is not their natural, adoptive, or step parent shall be treated as customarily purchasing and preparing meals together for home consumption even if they do not do so. Note: "parental control" refers to

UNMARRIED minors who are dependents-financial or otherwise-of another household member as opposed to independent units. ~~A person under eighteen years of age who is living with his or her own child(ren) or spouse is not considered to be under parental control.~~ PERSONS UNDER AGE EIGHTEEN WHO ARE MARRIED ARE CONSIDERED EMANCIPATED AND ARE NOT TO BE AUTOMATICALLY CONSIDERED AS CUSTOMARILY PURCHASING AND PREPARING MEALS TOGETHER UNLESS THEY STATE THEY ARE ACTUALLY DOING SO.

#### **(5) Special definition - elderly and disabled individual**

Although a group of individuals living together and purchasing and preparing meals together constitutes a single AG based on paragraph (A) (1) of this rule, an otherwise eligible member of such an AG who is sixty years of age or older and who is unable to purchase and prepare meals because he/she suffers from a disability considered permanent under the Social Security Act or suffers from a nondisease-related, severe, permanent disability may be a separate AG from the others, other than his spouse, provided that the income (all income included in rule 5101:4-4-19 of the Administrative Code) of the others with whom the individual resides (excluding the income of the spouse of the elderly and disabled individual) does not exceed one hundred sixty-five per cent of the poverty line (FSP-14 "Separate Assistance Group Income Standards-Elderly and Disabled Assistance Groups Only").

### **(B) For the purpose of determining whether people are living together, consideration shall be given to, but not limited to the following. Final determinations of living arrangements shall be made on a case-by-case basis, using reasonable judgment based on the circumstances of the particular living arrangement, and need not be reflective of these guidelines should other more conclusive factors be involved.**

- (1) **Separate address.** The EW shall consider whether the persons involved have addresses that are commonly recognized as separate in the community.
- (2) **Separate utilities.** The EW shall consider whether the persons involved have separate utility meters and are, therefore, billed separately by the utility companies.
- (3) **Separate entrances.** The EW shall consider whether the persons involved have separate entrances to their living quarters, and whether such entrances require passing through one living quarter in order to gain access to another.
- (4) **Opinion of the landlord.** The EW shall consider whether the owner of the property considers the property to contain separate units.

(C) Non-AG members eligible to participate as separate AGs

For the purpose of defining an AG under paragraph (A) of this rule, the following individuals shall not be included as a member of the AG unless specifically included as an AG member under paragraph (A) (2) (spouses), (A) (3) (parents living with their children), or (A) (4) (person under parental control) of this rule, and shall not be included as a member of the AG for the purposes of determining AG size, eligibility, or benefit level. The income and resources of such individuals shall be handled in accordance with rule 5101:4-6-15 of the Administrative Code. The following individuals (if otherwise eligible) may participate as separate AGs:

- (1) Roomers  
Individuals to whom an AG furnishes lodging for compensation, but not meals.
- (2) Live-in attendants  
Individuals who reside with an AG to provide medical, housekeeping, child care, or other similar personal services.
- (3) Other  
Other individuals who share living quarters with the AG but who do not customarily purchase food and prepare meals with the AG. For example, if an applicant family shares living quarters with another family to save on rent, but does not purchase and prepare food together with that family, the members of the other family are not members of the applicant AG.

(D) Non-AG members ineligible to participate as separate AGs.

Some AG members are ineligible to receive benefits under the provisions of the Food Stamp Act. Others may become ineligible for such reasons as being disqualified for committing an intentional program violation or refusing to comply with a regulatory requirement. These individuals shall be included as a member of the AG for the purpose of defining an AG in accordance with this rule. However, such individuals shall not be included as eligible members of the AG when determining the AG's size for the purpose of comparing the AG's monthly income with an income eligibility standard or assigning a benefit level by AG size. These individuals are not eligible to participate as separate AGs. Ineligible individuals include the following:

- (1) Ineligible aliens are those individuals who do not meet the citizenship or eligible alien status. See rule 5101:4-6-13 of the Administrative Code for how to treat the income, resources, and expenses of these individuals.
- (2) A person disqualified for intentional program violation is one who has been disqualified in accordance with chapter 5101:6-20 of the Administrative Code. See rule 5101:4-6-13 of the Administrative Code for how to treat the income, resources, and expenses of these individuals.
- (3) Persons who have been disqualified for failure to provide a social security number as provided for in rule 5101:4-3-24 of the Administrative Code are ineligible to participate. See rule 5101:4-6-13 of the Administrative Code for how to treat the income, resources, and expenses of these individuals.

- (4) An individual who is disqualified for refusing or failing, without good cause, to register for work, comply with any work program requirement, or any other work requirement is ineligible to participate. See rule 5101:4-6-13 of the Administrative Code for how to treat the income, resources, and expenses of these individuals.
- (5) Persons enrolled in an institution of higher education on at least a half-time basis who fail to meet the eligibility criteria in accordance with rule 5101:4-6-04 of the Administrative Code are ineligible to participate. See rule 5101:4-6-15 of the Administrative Code for how to treat the income, resources, and expenses of these individuals.
- (6) No member of an AG who is otherwise eligible to participate in the food stamp program shall be eligible to participate as a member of that or any other AG during any period during which the individual is violating a condition of probation or parole imposed under a federal or state law, or fleeing to avoid prosecution, or custody or confinement after conviction, under the law of the place from which the individual is fleeing, for a crime, or attempt to commit a crime, that is a felony under the law of the place from which the individual is fleeing or that, in the case of New Jersey, is a high misdemeanor under the law of New Jersey. See rule 5101:4-6-15 of the Administrative Code for how to treat the income, resources, and expenses of these individuals.
- (7) No individual who receives SSI benefits and/or California supplementary payments as a resident of California is eligible to receive food stamp benefits. The secretary of the United States department of health and human services has determined that the SSI payments in California have been specifically increased to include the value of the food stamp allotment.

(E) Ineligible AGs.

(1) Boarders

Boarders are defined as individuals or groups of individuals residing with others and paying reasonable compensation to the others for lodging and meals (excluding residents of a commercial boarding house). Boarders are also defined as adults or children who have been placed in a foster home by a government agency. Boarders are ineligible to participate in the program as independent AGs. They may, however, participate as members of the AG providing the boarder services to them, at such AG's request. In no event shall boarder status be granted to those individuals or groups of individuals described in paragraphs (A) (2) to (A) ~~(6)~~ (5) of this rule.

- (a) The household within which a boarder resides (including the household of the proprietor of a boarding house) may participate in the program if the AG meets all the eligibility requirements for program participation.
- (b) To determine if an individual is paying reasonable compensation for meals and lodging in making a determination of boarder status, only the amount paid for meals shall be used, provided that the amount paid for meals is distinguishable from the amount paid for lodging. A reasonable monthly payment shall be either of the following:
  - (i) Boarders whose board arrangement is for more than two meals a day shall pay an amount which equals or exceeds the maximum monthly coupon allotment for the appropriate size of the boarder AG;
  - (ii) Boarders whose board arrangement is for two meals or less per day shall pay an amount which equals or exceeds two-thirds of the maximum monthly coupon allotment for the appropriate size of the boarder AG.

Excluding residents of a commercial boarding house, an individual furnished both meals and lodging by an AG but paying compensation of less than a reasonable amount to the AG for such services shall be considered a member of the AG providing the services.

None of the income or resources of individuals determined to be boarders and who are not considered members of the AG providing the boarder services shall be considered available to such AG. Payments received from persons or on behalf of persons determined to be boarders because they are in A foster care situation shall not be

counted as income to the AG. Payments received from all other persons determined to be boarders shall be treated as self-employment income to the AG.

The procedures for handling self-employment income from boarders (other than such income received by an AG that owns and operates a commercial boarding house) are set forth in rule 5101:4-6-03 of the Administrative Code. The procedures for handling income from boarders by an AG that owns and operates a commercial boarding house are set forth in rule 5101:4-6-11 of the Administrative Code. For program purposes, a "commercial boarding house" is defined as an establishment which offers meals and lodging for compensation with the intent of making a profit. The number of boarders residing in a boarding house shall not be used to determine if a boarding house is a commercial enterprise.

(F) Foster care individuals

Notwithstanding the provisions in paragraph (A) of this rule, foster care individuals placed in the home of relatives or other individuals or families by a federal, state, or local governmental foster care program shall be considered boarders. The federal, state or local governmental, or court-ordered foster care payments received by the AG for such foster care boarders shall not be considered as available income to the AG. Foster care boarders may participate in the program as members of the AG providing the boarder services to them, at such AG's request. If the AG chooses this option, foster care payments received by the AG shall be considered unearned income to the AG and counted in their entirety in determining the AG's income eligibility and benefit level. The provisions of this paragraph do not apply to individuals qualified to participate in the program in accordance with paragraph (G) of this rule.

(G) Residents of institutions

Residents of public institutions who apply for SSI prior to their release from an institution under the social security administration's prerelease program for the institutionalized shall be permitted to apply for food stamps at the same time they apply for SSI. Individuals shall be considered residents of an institution when the institution provides them with the majority of their meals (over fifty per cent of three meals daily) as part of the institution's normal services. Residents of institutions are not eligible for participation in the program, with the following exceptions:

- (1) Residents of federally subsidized housing for the elderly built under either section 202 of the Housing Act of 1959 or section 236 of the National Housing Act.
- (2) Narcotic addicts or alcoholics together with their children who, for the purposes of regular participation in a drug or alcohol treatment and rehabilitation program, reside at a facility or treatment center.
- (3) Disabled or blind individuals, as defined in rule 5101:4-1-03 of the Administrative Code, who are residents of group homes, as described in rule 5101:4-1-03 of the Administrative Code. (See rule 5101:4-6-26 of the Administrative Code for full details on certification of group home residents.)
- (4) Women or women with their children temporarily residing in a shelter for battered women and children. Such persons temporarily residing in shelters for battered women and children shall be considered individual AG units for the purpose of applying for and participating in the food stamp program.
- (5) Residents of public or private shelters for homeless persons.

(H) Strikers

AGs with striking members shall be ineligible to participate unless the AG was eligible for benefits the day prior to the strike and is otherwise eligible at the time of application. AGs where the member on strike is exempt from work registration requirements the day prior to the strike (other than those exempt solely on the grounds that they are employed) would not be affected by the striker provisions and could be eligible for program benefits.

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## **5101:4-4-23 Food stamps: Deductions from income.**

A deduction is considered in the month the expense is billed or otherwise becomes due. However, in the case of reimbursable medical expenses, a deduction can only be considered within thirty days of receiving the verification of the amount of reimbursement. The preceding applies regardless of when the AG intends to pay the expense. Deductions from income shall be verified in accordance with rule 5101:4-2-09 of the Administrative Code.

Deductions for each AG are allowed only for the following.

- (A) Twenty per cent of gross earned income. No additional deductions (i.e., taxes, pensions, union dues, and the like) except for costs of self-employment, are allowed from earned income. Excluded earned income is not subject to this deduction although the earned income of a disqualified member does receive this deduction.
- (B) The appropriate standard deduction for each AG regardless of its income. A separate standard deduction is established for the forty-eight contiguous states and the District of Columbia. This deduction shall be adjusted October 1, 1983, and each October first thereafter. See appendix A of this rule.
- (C) That portion of medical expenses which is nonreimbursable, in excess of thirty-five dollars per month, excluding special diets, incurred by any AG member who is elderly or disabled as defined in rule 5101:4-1-03 of the Administrative Code. Spouses or other persons receiving benefits as a dependent of the SSI or disability recipient are not eligible to receive the deduction. However, persons receiving emergency SSI benefits based on presumptive eligibility are eligible for this deduction. An AG with potential categorical eligibility which contains an SSI applicant that is determined ineligible but later becomes categorically eligible and entitled to restored benefits shall receive restored benefits using the excess medical deduction from the beginning of the period for which SSI benefits are paid, the original food stamp application date, or December 23, 1985, whichever is later, if the AG incurs such expenses. Allowable medical costs are limited to the following:
  - (1) Medical and dental care, including psychotherapy and rehabilitation services, provided by a licensed practitioner authorized by the state or another qualified health professional.
  - (2) Hospitalization or outpatient treatment, nursing care, and nursing home care. Also included are payments by the AG for an individual who was an AG member immediately prior to entering a hospital or nursing home provided by a facility recognized by the state.
  - (3) Prescription drugs when prescribed by a licensed practitioner and other over-the-counter medication (including insulin) when approved by a licensed practitioner or other qualified health professional. In addition, costs of medical supplies, sick-room equipment (including rental) or other prescribed equipment are deductible.
  - (4) Health and hospitalization insurance policy premiums. The costs of health and accident policies such as those payable in lump-sum settlements for death or dismemberment, or income maintenance policies such as those that continue mortgage or loan payments while the beneficiary is disabled are not deductible.
  - (5) Medicare premiums related to coverage under Title XVIII of the Social Security Act and any cost-sharing or spend-down expenses incurred by medicaid recipients.
  - (6) Dentures, hearing aids, and prosthetics.
  - (7) Securing and maintaining a seeing eye or hearing dog including the cost of dog food and veterinarian bills.
  - (8) Eyeglasses prescribed by a physician skilled in eye disease or by an optometrist.
  - (9) Monthly telephone fees for amplifiers and warning signals for handicapped persons, and costs of telephone typewriter equipment for the deaf.
  - (10) Reasonable costs of transportation and lodging to obtain medical treatment or services. "Reasonable costs for transportation" shall be defined as the current state mileage

reimbursement rate for private automobiles, or actual costs if other forms of transportation are used. Verification is required only when costs exceed the state mileage reimbursement rate or the rate charged for public transportation (e.g., local bus service).

- (11) Maintaining an attendant homemaker, home health aide, child care services, or housekeeper, necessary due to age, infirmity, or illness. In addition, an amount equal to the one-person coupon allotment shall be deducted as a medical expense if the AG furnishes the majority of the attendant's meals. The allotment for this meal-related deduction shall be that in effect at the time of initial certification. The county agency is only required to update the allotment amount at the next scheduled reapplication; however, the county agency may do so earlier. If an AG incurs attendant care costs that could qualify under both the medical deduction and dependent care deduction, the county agency shall treat the cost as a medical expense.
- (D) Payments for the actual verified costs (not to exceed the maximum allowed) for the care of a child or other dependent when necessary for an AG member to accept or continue employment, seek employment in compliance with the job search criteria (or an equivalent effort by those not subject to job search), or attend training or education in preparation for employment. A child care expense which is reimbursed or paid for by the OWF program under Title IV-F of the Social Security Act or the transitional child care (TCC) program shall not be deductible.
- (E) Monthly shelter costs in excess of fifty per cent of the AG's income after all other deductions have been allowed. The shelter deduction shall not exceed the maximums provided, unless the AG contains a member who is elderly or disabled as defined in rule 5101:4-1-03 of the Administrative Code. These AGs shall receive an excess shelter deduction for the entire monthly cost that exceeds fifty per cent of the AG's income after all the above deductions. An AG with potential categorical eligibility which contains an SSI applicant that is determined ineligible but later becomes categorically eligible and entitled to restored benefits shall receive restored benefits using the excess medical SHELTER deduction from the beginning of the period for which SSI benefits are paid, the original food stamp application date, or December 23, 1985, whichever is later, if the AG incurs such expenses. The maximum shelter costs COST deduction shall be adjusted October 1, 1983, and each October first thereafter EACH FISCAL YEAR. Shelter costs shall include only the following.
- (1) Notwithstanding any other rule of the Administrative Code, an AG that is considered to be homeless is not eligible to claim any expense as a shelter cost for purposes of determining an excess shelter deduction. Homeless AGs are limited to the use of the standard homeless shelter deduction, if verified.
  - (2) Continuing charges for the shelter occupied by the AG, including rent, first and second mortgages, or other continuing charges leading to the ownership of shelter, such as loan repayments for the purchase of a mobile home, including interest on such payments. Note: Examples of shelter costs homeless AGs may incur are fees for staying at shelters for the homeless, fees for renting a motel room for a number of days/hours each month, etc. If a homeless AG is living in its car, the car payment can qualify as a shelter cost.
  - (3) Property taxes, state and local assessments, and insurance on the structure itself, but not separate costs for insuring furniture or personal belongings. Note: If an AG is living in a car, only that portion of the car insurance premium which covers the car itself may be allowed. License plate fees on a motor home or car that represents an AG's residence are not assessments and they are not allowable.
  - (4) Charges for heating, cooling, and cooking fuel; electricity; water and sewer; garbage and trash collection fees; the standard telephone allowance; and fees charged by the utility provider for initial installation of the utility. One-time deposits and penalty fees (i.e., late charges, late fees, interest penalties) shall not be included as shelter cost. Also, past due charges included in current billings are not deductible, even if an AG actually pays the past due portion. Note: If a car is used for transportation purposes as well as a home, gasoline for the car may not be allowed as a shelter cost even though some of it is used for heating or cooling costs. Only separate identifiable utility costs are allowable.

- (5) Charges for the repair of the home itself which was substantially damaged or destroyed due to a natural disaster such as a fire or flood. Costs for replacement or repair of normal home furnishings (e.g., bed, refrigerator, stove, etc.) or personal belongings (e.g., clothes, jewelry, linen) are not covered by this rule. Shelter costs shall not include charges for repair of the home that have been or will be reimbursed by private or public relief agencies, insurance companies, or from any other source.
  - (6) The shelter costs for the home if temporarily unoccupied by the AG because of employment or training away from home, illness, or abandonment of the home due to natural disaster or casualty loss. For the costs of a vacated home to be included in shelter costs, the AG must intend to return to the home; the current occupants of the home, if any, must not be claiming the shelter costs for food stamp purposes; and the home must not be leased or rented in the AG's absence.
- (F) A standard utility allowance is available for use in calculating shelter costs only to AGs which incur verified heating or cooling costs separately and apart from their rent or mortgage, including residents of rental housing who are billed on a monthly basis by their landlords for actual usage as determined through individual metering. This single standard, as developed by the ~~Ohio department of human services~~ OHIO DEPARTMENT OF JOB AND FAMILY SERVICES ODJFS, includes the costs of heating fuel, electricity, water, sewer, trash collection, and telephone. Note: A "cooling cost" is a verifiable utility expense relating to the operation of air conditioning systems or room air conditioners. This does not include costs relating to the operation of fans.
- (1) To be qualified for the standard utility allowance, the AG must not be considered homeless, and must be billed on a regular basis for its heating or cooling costs. An AG which incurs verified cooling or heating costs on an irregular basis but is otherwise eligible to use the standard allowance may continue to use the allowance between billing periods. Also, an AG that incurs verified heating costs during the heating season continues to qualify for the standard utility allowance throughout the year, regardless of whether they also incur cooling costs, and vice versa. The amount of any home energy assistance payment or allowance provided directly to, or indirectly on behalf of, an AG under section (e), the Low-Income Home Energy Assistance Act, September 30, 1986, PL 100-333, is excluded from income. In determining any excess shelter expense deduction, the full amount of such payments or allowances shall be deemed to be expended by such AG for heating or cooling expenses. Even if the AG incurs no out-of-pocket expenses because the LIHEAA payment pays the whole cost of heating and cooling, the AG is eligible for the standard utility allowance. AGs receiving indirect energy assistance payments as described in rule 5101:4-4-13 of the Administrative Code under a program other than the LIHEAA of 1981, who continue to incur verified out-of-pocket heating or cooling expenses are eligible to use the utility standard. AGs shall be advised that actual costs can only be deducted if the AG can verify these costs, except that telephone costs can only be deducted by using the standard telephone allowance.
  - (2) AGs which are considered homeless or do not incur any separate utility charges, or are billed separately only for utilities other than heating or cooling costs, cannot claim the standard utility allowance. An AG living in a public housing unit or other rental housing unit which has central utility meters and charges the AG only for excess utility costs shall not be permitted to use the standard utility allowance. Payment of excess heating costs shall not qualify the AG for the standard utility allowance. If an AG is not entitled to the standard utility allowance, it may claim actual utility expense for any verified utility which it does pay separately from rent or mortgage, except that telephone costs can only be reflected by using the standard telephone allowance. If the AG is receiving energy assistance payments as described in rule 5101:4-4-13 of the Administrative Code and is not entitled to the standard utility allowance, it may claim any actual verified utility expenses that are not reimbursed, except that telephone cost can only be reflected by using the standard telephone allowance.
  - (3) If the AG shares utility expenses with, and lives with, another individual not participating in the food stamp program, another AG participating in the food stamp program, or both, the allowance shall be prorated evenly among the AG and the other individual, AG, or both. (Individual



metering, in this instance, is not required.) However, the county agency may, if it is unable to accurately determine the pro rata share of utility costs paid by the parties (due to the number of parties within the residence fluctuating, etc.), use the actual utility costs paid by the AG. Under no circumstances shall the total amount of utility costs used to determine the amount of the deduction exceed the total amount of actual utility costs for the residence.

- (4) Telephone costs have been included in the standard utility allowance, and therefore shall not be a separate deduction for those AGs claiming the standard. AGs ineligible for the standard utility allowance and AGs claiming actual utility costs can claim only the standard telephone allowance.
- (5) At the time of certification the AG shall be advised that it may deduct its actual verified utility costs (except as provided in paragraph (F)(4) of this rule for telephone costs) rather than the standard utility allowance throughout the certification period, if the AG can verify these costs. The county agency shall further advise the AG when it has the right to switch between the use of actual utility costs and the standard utility allowance. The county agency shall permit the AG to switch between actual utility costs and the standard utility allowance at the time of reapplication.
- (6) The standard utility allowance in Ohio reflects seasonal cost variations by using a twelve-month average of utility costs. Effective each October, county agencies shall update the standard for each AG claiming the standard utility allowance. County agencies will be notified by the state agency of annual updates due to changes in the costs of utilities.

#### Standard Utility Allowance

\$244 per month

- (G) A standard telephone allowance has been developed for those AGs not entitled to claim the overall utility standard as described in paragraph (F)(2) of this rule and those AGs electing to use actual utility expenses in calculating shelter costs as described in paragraph (F)(1) of this rule. Those AGs that are considered homeless or who are using the overall standard utility allowance are not entitled to use the standard telephone allowance, as telephone costs are included in the overall standard. For those AGs which incur verified telephone costs and claim actual utility costs, the telephone allowance shall be used in calculating shelter expenses even if actual telephone costs are higher. When an AG shares a residence and telephone costs with other individuals, the standard telephone allowance shall be divided equally among the AGs who verify that they contribute to meeting the telephone costs. Actual telephone costs shall not be used.
- (H) The standard telephone allowance in Ohio reflects the statewide average of basic service fees for one telephone. Effective each October, county agencies shall update the standard for each AG claiming the standard telephone allowance. County agencies will be notified by the state agency of annual updates due to changes in telephone costs.

#### Standard Telephone Allowance

\$27 per month

- (I) A deduction is provided for legally obligated child support payments paid by an AG member to or for a nonhousehold member, including payments made to a third party on behalf of the nonhousehold member (vendor payments). The CDJFS shall allow a deduction for amounts paid toward arrearages. Alimony payments made to or for a nonhousehold member shall not be included in the child support deduction. County agencies shall budget child support payments prospectively regardless of the budgeting system used for the AG's other circumstances.
- (J) An AG that is considered to be homeless is eligible to have this deduction taken in the determination of its net income. To be eligible for this deduction, the homeless AG must incur shelter costs during the month.

#### Homeless ~~Household~~ Shelter ~~Estimate~~ DEDUCTION

\$143 per month

(K) Verification of deductions

Nonreimbursable medical expenses of elderly or disabled members shall be verified at initial certification, reapplication, and whenever a change of more than twenty-five dollars is reported. Shelter and utility expenses, shelter and utility expenses for an unoccupied home, other shelter expenses, dependent care expenses, and legal obligation and actual child support payments shall be verified. Other expenses shall be verified only when the expense claimed would result in a deduction.

(L) If an AG eligible for the standard utility allowance wishes to claim actual utility expenses or utility expenses in excess of the state's standard, the actual expenses shall be verified. The eligibility worker shall document in the case record the documentary evidence used to verify the utility expense(s) and add other sufficient data so that second-party reviewers (e.g., quality control and management evaluation personnel) can recreate how each monthly utility amount was computed. If an AG's actual utility expenses cannot be verified before the end of the thirty-day processing standard, the standard utility allowance shall be used, provided it is verified that the AG is billed for heating or cooling separately from other shelter costs. When the AG elects to use actual utility expenses, the eligibility worker may anticipate changes in utility bills during the certification period by using the following special verification techniques:

- (1) Review last year's utility bills from the same period and update them using overall price increase data; or
- (2) If only the most recent utility bill is available, utility costs increase or decrease over the months of the certification period may be based on utility company estimates for the type of dwelling and utilities used by the AG.

(M) If an AG ineligible for the standard utility allowance is claiming actual expenses, the actual expenses shall be verified. An AG living with others and sharing utility expenses at one residence, as described in paragraph (F)(3), ineligible for the standard utility allowance may claim actual utility expenses. The actual expenses shall be verified. If the AG's actual utility expense(s) cannot be verified before the end of the thirty-day processing standard, benefit level shall be determined without deducting the unverified expense(s). AGs not entitled to use the overall standard utility allowance shall use the standard telephone allowance when telephone costs are incurred.

(N) Utility costs and utility costs for unoccupied homes must be verified if they will result in a deduction. Also, if other deductible expenses claimed will result in a deduction, the expenses must be verified. Information on the application is questionable if it is inconsistent with information elsewhere on the application or previous application, statements made by the applicant, information received by the county agency or EW, or in the case of utility expenses, inconsistent with normal costs for the season.

(O) If a deductible expense must be verified and obtaining the verification may delay the AG's certification, the EW shall advise the AG that the AG's eligibility and benefit level shall be determined without deducting the claimed but unverified expense. Shelter costs shall be computed without including the unverified components. The standard utility allowance is used if the AG has verified that it is entitled to claim it and has not verified higher actual costs. If the expense cannot be verified within thirty days of the date of application, the EW shall determine the AG's eligibility and benefit level without deducting the unverified expense. If the AG subsequently provides the missing verification, the EW redetermines the AG's benefits, and provides increased benefits, if any, in accordance with the timeliness standards for reported changes. The AG is entitled to the restoration of any benefits as a result of the disallowance of the expense only if the expense could not be verified within the thirty-day processing standard because the EW failed to allow the AG sufficient time to verify the expense. If the AG would be ineligible unless the expense is allowed, the AG's application shall be handled as provided in rule 5101:4-5-07 of the Administrative Code.

(P) AGs that wish to claim shelter costs for a home that is unoccupied because of employment or training away from the home, illness, or abandonment caused by a natural disaster or casualty loss are responsible for providing verification of the expense if the expense would result in a deduction. The EW is not required to assist AGs in obtaining verification of this expense if verification would have to be obtained from a source outside of the project area. AGs must also provide verification of actual utility

costs for unoccupied homes if the costs would result in a deduction. Only actual expenses shall be used for unoccupied homes and not the standard utility allowance.

## **Appendix A Enacted**

### **INCOME DEDUCTIONS**

Income deductions are allowed as follows.

#### **Earned Income Deduction**

20% of gross earned income

#### **Standard Deduction**

\$134 for each AG, regardless of its income

#### **Excess Medical Deduction**

That portion of medical expenses which is nonreimbursable, in excess of \$35 per month, excluding special diets, incurred by any AG member who is elderly or disabled as defined in rule 5101:4-1-03 of the Administrative Code.

#### **Dependent Care Deduction**

Payments for the actual costs of the care of a child or other dependent in accordance with paragraph (D) of this rule, not to exceed \$200 per child/dependent per month who is under age two and \$175 per child/dependent per month who is equal to or greater than age two.

#### **Legally-Obligated Child Support Payments To Nonhousehold Members**

Payments made for legally-obligated child support to nonhousehold members.

#### **Excess Shelter Deduction**

If monthly shelter costs exceed 50% of the AG's income after the above deductions have been taken, the AG receives a shelter deduction.

An AG containing an elderly or disabled member (as defined in the Glossary of this handbook) has the actual excess amount deducted.

An AG containing no elderly or disabled members is eligible for a deduction of \$340 or the actual amount, whichever is less.

#### **Standard Utility Allowance**

\$244 is available for use in calculating shelter costs only to those AGs which incur heating or cooling costs on a regular basis separate and apart from rent or mortgage.

#### **Standard Telephone Allowance**

\$27 for those AGs not entitled to claim the overall standard utility allowance and those AGs electing to use actual utility expenses who incur telephone costs.

#### **Homeless Shelter Deduction**

\$143 for those AGs that are considered homeless and who otherwise qualify to use it.

Effective Date: On or after March 1, 2001

Rule Review Date:

Certification:

Date

Promulgated Under: Revised Code Section 111.15

Statutory Authority: Revised Code Section 5101.54

Rule Amplifies: Revised Code Sections 329.04, 329.042, 5101.54

Prior effective dates: 6/2/80, 4/1/81, 6/1/81, 10/1/81, 1/22/82, 2/1/82, 5/1/82, 1/1/83, 5/20/83, 9/24/83 (Temp.), 11/11/83, 2/1/84 (Temp.), 4/1/84, 10/1/84 (Emer.), 11/17/84, 8/16/85 (Emer.), 11/1/85 (Emer.), 1/1/86, 5/1/86

(Emer.), 6/15/86 (Emer.), 8/1/86 (Emer.), 10/30/86, 4/10/87 (Emer.), 6/22/87, 8/1/87 (Emer.), 10/25/87, 10/29/87 (Emer.), 1/22/88, 9/1/88 (Emer.), 11/28/88, 10/1/89 (Emer.), 12/21/89, 1/5/90 (Emer.), 3/22/90, 10/1/90 (Emer.), 11/8/90, 7/1/91, 10/1/91 (Emer.), 12/20/91, 8/1/92 (Emer.), 10/1/92 (Emer.), 10/30/92, 10/1/93, 11/15/93, 7/1/94, 9/1/94 (Emer.), 10/1/94, 12/1/94 (Emer.), 1/1/95, 5/1/95, 10/1/95 (Emer.), 10/31/95, 12/15/95, 2/1/96 (Emer.), 3/14/96, 9/22/96 (Emer.), 10/1/96 (Emer.), 12/21/96, 1/1/97 (Emer.), 3/23/97, 4/1/97 (Emer.), 6/6/97, 10/1/97 (Emer.), 11/20/97, 3/1/98 (Emer.), 6/1/98, 10/1/98 (Emer.), 12/31/98, 10/1/99 (Emer.), 12/16/99, 10/1/00 (Emer.), 12/10/00

## **Appendix A Rescinded**

### **INCOME DEDUCTIONS**

Income deductions are allowed as follows.

#### **Earned Income Deduction**

20% of gross earned income

#### **Standard Deduction**

\$134 for each AG, regardless of its income

#### **Excess Medical Deduction**

That portion of medical expenses which is nonreimbursable, in excess of \$35 per month, excluding special diets, incurred by any AG member who is elderly or disabled as defined in rule 5101:4-1-03 of the Administrative Code.

#### **Dependent Care Deduction**

Payments for the actual costs of the care of a child or other dependent in accordance with paragraph (D) of this rule, not to exceed \$200 per child/dependent per month who is under age two and \$175 per child/dependent per month who is equal to or greater than age two.

#### **Legally-Obligated Child Support Payments To Nonhousehold Members**

Payments made for legally-obligated child support to nonhousehold members.

#### **Excess Shelter Deduction**

If monthly shelter costs exceed 50% of the AG's income after the above deductions have been taken, the AG receives a shelter deduction.

An AG containing an elderly or disabled member (as defined in the Glossary of this handbook) has the actual excess amount deducted.

An AG containing no elderly or disabled members is eligible for a deduction of \$275 or the actual amount, whichever is less.

#### **Standard Utility Allowance**

\$241 is available for use in calculating shelter costs only to those AGs which incur heating or cooling costs on a regular basis separate and apart from rent or mortgage.

#### **Standard Telephone Allowance**

\$26 for those AGs not entitled to claim the overall standard utility allowance and those AGs electing to use actual utility expenses who incur telephone costs.

#### **Standard Shelter Estimate**

\$143 for those AGs that are considered homeless and who otherwise qualify to use it.

Effective date: On or after March 1, 2001

Rule Review date: 01 JUN 2003

Certification:

Date

Promulgate Under: Revised Code Section 111.15

Statutory Authority: Revised Code Section 5101.54

Rule Amplifies: Revised Code Sections 329.04, 329.042, 5101.54

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(Emer.), 6/15/86 (Emer.), 8/1/86 (Emer.), 10/30/86, 4/10/87 (Emer.), 6/22/87, 8/1/87 (Emer.), 10/25/87, 10/29/87 (Emer.), 1/22/88, 9/1/88 (Emer.), 11/28/88, 10/1/89 (Emer.), 12/21/89, 1/5/90 (Emer.), 3/22/90, 10/1/90 (Emer.), 11/8/90, 7/1/91, 10/1/91 (Emer.), 12/20/91, 8/1/92 (Emer.), 10/1/92 (Emer.), 10/30/92, 10/1/93, 11/15/93, 7/1/94, 9/1/94 (Emer.), 10/1/94, 12/1/94 (Emer.), 1/1/95, 5/1/95, 10/1/95 (Emer.), 10/31/95, 12/15/95, 2/1/96 (Emer.), 3/14/96, 9/22/96 (Emer.), 10/1/96 (Emer.), 12/21/96, 1/1/97 (Emer.), 3/23/97, 4/1/97 (Emer.), 6/6/97, 10/1/97 (Emer.), 11/20/97, 3/1/98 (Emer.), 6/1/98, 10/1/98 (Emer.), 12/31/98, 10/1/99 (Emer.),12/16/99, 10/1/00 (Emer.)

## 5101:4-4-07 Food stamps: Special resource situations.

### (A) JOINTLY OWNED RESOURCES

Resources owned jointly by separate AGs shall be considered available in their entirety to each AG, unless the AG can demonstrate that the resources are inaccessible to the applicant AG. If the AG can demonstrate that it has access to only a portion of the resource, the value of that portion of the resource shall be counted toward the AG's resource level. The resource shall be considered totally inaccessible to the AG if the resources cannot be practically subdivided and the AG's access to the value of the resource is dependent on the agreement of the joint owner who refuses to comply. For purposes of this provision, ineligible aliens or disqualified individuals residing with the AG shall be considered AG members; non-AG members and ineligible students shall be considered separate from other AG members. Note: If a vehicle is owned by more than one AG, the entire value of the vehicle must be considered accessible to all AGs regardless of the amount each AG would receive if the vehicle was sold unless the vehicle can be excluded. Resources shall be considered inaccessible to persons residing in shelters for battered women and children if the resources are jointly owned by such persons and by members of their former AG and the shelter resident's access to the value of the resources is dependent on the agreement of a joint owner who still resides in the former AG.

### (B) Nonrecurring lump-sum payments

#### (1) DEFINITION

"Nonrecurring lump-sum payments" are monies accrued over a period of time and not expected to be received in the same amount at intervals in the future, or are payments of money which are not related to any time period, such as death benefits or inheritance. Money received in the form of a nonrecurring lump-sum payment, includes, but is not limited to, income tax refunds, rebates, or credits; retroactive lump-sum social security, SSI, public assistance, railroad retirement benefits, the learning, earning and parenting (LEAP) program enrollment bonus payment, or other payments; lump-sum insurance settlements; or refunds of security deposits on rental property or utilities. These payments shall be counted as resources in the month received, unless specifically excluded from consideration as a resource by other federal laws.

#### (2) ACTIONS ON CASES RECEIVING LUMP-SUM PAYMENTS

Upon obtaining information that a certified AG has received a nonrecurring lump-sum payment, the EW shall review the case file in order to determine if the amount received in addition to the amount of resources listed on the APPL or CAF will exceed the resource limit for the particular AG. If the amount does not exceed the limitation, the case file is annotated to document the information received. No further action is required unless the AG must be notified in accordance with the procedures for a reported change. If the total amount exceeds the allowable resource limitation, the AG must be notified and given an opportunity to update its entire resource statement. If it declines to do so or the amount of resources still exceeds the limit, the EW shall take action to terminate the AG's certification.

### (C) VACATION HOMES

A vacation home used part of the year by the AG and that is not producing income consistent with its fair market value has its equity value counted.

### (D) TREATMENT OF LICENSED VEHICLES

The value of licensed vehicles shall be excluded or counted as a resource as follows.

#### (1) EXCLUDED LICENSED VEHICLES

The entire value of any licensed vehicle shall be excluded if the vehicle is:

- (a) Used ~~primarily (over fifty per cent of the time the vehicle is used)~~ for income-producing purposes such as, but not limited to, a taxi, truck, ~~or~~ fishing boat OR A VEHICLE USED FOR DELIVERIES, TO CALL ON CLIENTS OR CUSTOMERS, OR REQUIRED BY THE TERMS OF EMPLOYMENT. Licensed vehicles which have previously been used by a



self-employed AG member engaged in farming but are no longer used over fifty per cent of the time in farming because the AG member has terminated his/her self-employment from farming shall continue to be excluded as a resource for one year from the date the AG member terminated his/her self-employment from farming. (This exclusion will apply when the vehicle is not in use because of temporary unemployment, such as when a taxi driver is ill and cannot work, or when a fishing boat is frozen in and cannot be used);

- (b) Annually producing income consistent with its fair market value, even if used only on a seasonal basis. (This exclusion will apply when the vehicle is not in use because of temporary unemployment, such as when a taxi driver is ill and cannot work, or when a fishing boat is frozen in and cannot be used);
- (c) Necessary for long-distance travel, other than daily commuting, that is essential to the employment of an AG member (or ineligible alien or disqualified person whose resources are being considered available to the AG), for example, the vehicle of a traveling salesperson or a migrant farmworker following the work stream. (This exclusion will apply when the vehicle is not in use because of temporary unemployment);
- (d) Used as the AG's home and, therefore, excluded under rule 5101:4-4-03 of the Administrative Code;
- (e) Necessary to transport a physically disabled AG member (or ineligible alien or disqualified person whose resources are being considered available to the AG) regardless of the purpose of such transportation (limited to one vehicle per physically disabled AG member). Note: The physical disability can be temporary or permanent, partial or total, for purposes of this paragraph. If the physical disability claimed is not evident, verification may be required. A person need not meet the more restrictive definition of "disabled" in rule 5101:4-1-03 of the Administrative Code. A vehicle shall be considered necessary for the transportation of a physically disabled AG member if the vehicle is specially equipped to meet the specific needs of the disabled person or if the vehicle is a special type of vehicle that makes it possible to transport the disabled person. The vehicle need not have special equipment or be used primarily by or for the transportation of the physically disabled AG member; or
- (f) Necessary to carry the primary source of fuel for heating (e.g., firewood or coal) or water for home use when such transported fuel or water is anticipated to be the primary source of fuel or water for the AG during the certification period.
- (g) A vehicle that is not available to the AG. To be considered as unavailable the vehicle must be jointly owned by an AG member and a non-AG member who does not live with the AG provided that the vehicle is unavailable to the AG member because the AG member does not have possession of, or use of, the vehicle and the AG member is unable to sell the vehicle (e.g., the signature of the co-owner is needed and he or she will not sign). Decisions of unavailability using these criteria are to be made on a case-by-case basis.
- (h) A solely owned or jointly owned licensed vehicle during the period of time that the AG is legally prohibited from selling the vehicle for whatever reason (e.g., due to a court injunction or probate). The determination of whether a person is legally prohibited from selling a vehicle shall be governed by individual state laws.

## (2) FAIR MARKET VALUE OF LICENSED VEHICLES

The fair market value shall be determined for all licensed vehicles not specifically excluded in paragraph (D)(1) of this rule. The fair market value of licensed automobiles, trucks, and vans will be determined by the value of those vehicles as listed in publications written for the purpose of providing guidance to automobile dealers and loan companies. Publications listing the value of vehicles are usually referred to as "blue books." The county agency shall ensure that the blue book used to determine the value of licensed vehicles has been updated within the last six months. The national automobile dealers association's (NADA) used car guide book is a

commonly available and frequently updated publication. The county agency shall assign the wholesale value to vehicles. If the term "wholesale value" is not used in a particular blue book, the county agency shall assign the listed value which is comparable to the wholesale value. The comparable value listed in the NADA blue book is the "trade-in" value.

- (a) The county agency shall not increase the basic value of a vehicle by adding the value of low mileage or other factors such as optional equipment.
- (b) An AG may indicate that for some reason, such as body damage or inoperability, a vehicle is in less than average condition. Any AG which claims that the blue book value does not apply to its vehicle shall be given the opportunity to acquire verification of the true value from a reliable source. Also, ~~ags~~ AGS shall be asked to acquire verification of the value of licensed antique, custom made, or classic vehicles, if the county agency is unable to make an accurate appraisal.
- (c) If a vehicle is specially equipped with apparatus for the handicapped, the apparatus shall not increase the value of the vehicle. The blue book value shall be assigned as if the vehicle were not so equipped.
- (d) If a vehicle is no longer listed in the blue book, the AG's estimate of the value of the vehicle shall be accepted, unless the county agency has reason to believe the estimate is incorrect. In that case, and if it appears that the vehicle's value will affect eligibility, the AG shall obtain an appraisal or produce other evidence of its value, such as a tax assessment or a newspaper advertisement which indicates the amount for which like vehicles are being sold.
- (e) If a new vehicle is not yet listed in the blue book, the county agency shall determine the wholesale value through some other means (e.g., contacting a car dealer which sells that make of vehicle).

### (3) WHEN FAIR MARKET VALUE IS COUNTED

All licensed vehicles not excluded under paragraph (D)(1) of this rule shall individually be evaluated for fair market value and that portion of the fair market value which exceeds four thousand six hundred fifty dollars shall be attributed in full toward the AG's resource level, regardless of any encumbrances on the vehicles. For example, an AG owning an automobile with a fair market value of five thousand six hundred dollars shall have nine hundred fifty dollars applied toward its resource level. Any value in excess of four thousand six hundred fifty dollars shall be attributed to the AG's resource level, regardless of the amount of the AG's investment in the vehicle, and regardless of whether or not the vehicle is used to transport AG members to and from employment. Each vehicle shall be appraised individually. The fair market values of two or more vehicles shall not be added together to reach a total fair market value in excess of four thousand six hundred fifty dollars.

- (4) That portion of the fair market value which exceeds four thousand six hundred fifty dollars is attributed in full toward the AG's resource level for licensed vehicles used in the following ways:
  - (a) One vehicle for AG use; and
  - (b) Any vehicles used to transport AG members (or an ineligible alien or disqualified AG member whose resources are being considered available to the AG) to and from employment or to seek employment in compliance with the employment and training criteria, or to and from training or education preparatory to employment, such as college or other post-high school education, or vocational high school. For purposes of this paragraph, regular high school shall not be considered education preparatory to employment. Note: While only one vehicle can be classified for AG use, there is no limit to the number of vehicles an AG may claim for employment, training, or education purposes as long as each is used in one of the specified manners.

### (5) EVALUATION OF EQUITY VALUE OF LICENSED VEHICLES

Licensed vehicles shall also be evaluated for their equity value, except for:

- (a) Vehicles excluded under paragraph (D)(1) of this rule;
- (b) One licensed vehicle per AG, regardless of the use of the vehicle; and
- (c) Any other vehicle used to transport AG members (or an ineligible alien or disqualified AG member whose resources are being considered available to the AG) to and from employment or to seek employment in compliance with the employment and training criteria, or to and from training or education preparatory to employment, such as college or other post-high school education, or vocational high school. For purposes of this paragraph, regular high school shall not be considered education preparatory to employment. A vehicle customarily used to commute to and from employment shall be covered by the equity exclusion during temporary periods of unemployment. The equity value of licensed vehicles not covered by this exclusion, and of unlicensed vehicles not excluded under rule 5101:4-4-03 of the Administrative Code, shall be attributed toward the AG's resource level. In the event a licensed vehicle is assigned both a fair market value in excess of four thousand six hundred fifty dollars and an equity value, only the greater of the two amounts shall be counted as a resource. For example, a second car which is not used by an AG member to go to work will be evaluated for both fair market value and for equity value. If the fair market value is five thousand dollars and the equity value is one thousand dollars the AG shall be credited with only the one thousand dollars equity value, and the three hundred fifty dollars excess fair market value will not be counted.

(6) SUMMARY

In summary, each licensed vehicle shall be handled as follows.

- (a) First, it will be evaluated to determine if it meets a criterion for total exclusion, regardless of its fair market value or the AG's equity in the vehicle.
- (b) Second, if not totally excluded, it will be evaluated to determine if its fair market value exceeds four thousand six hundred fifty dollars. If the vehicle is not subject to the equity test, any amount in excess of four thousand six hundred fifty dollars shall be counted as a resource.
- (c) Third, if the vehicle does not meet a criterion to be totally excluded or does not meet a criterion to have only its value in excess of four thousand six hundred fifty dollars counted as a resource, the AG's equity in the vehicle is determined as well as the value of the vehicle in excess of four thousand six hundred fifty dollars and the higher of the two amounts is then counted as a resource.
- (d) An unlicensed vehicle which is not otherwise excluded, such as, but not limited to, a vehicle used on a farm, shall have its equity value counted as a resource.

(E) IRA ACCOUNTS AND KEOGH PLANS

Funds held in Keogh plans (unless they involve an AG member in a contractual relationship with individuals who are not AG members), AND funds held in individual retirement accounts (IRAs), shall be included as resources. In counting resources of AGS with IRAs or includable Keogh plans, the county agency shall include the total cash value of the account or plan minus the amount of the penalty (if any) that would be exacted for the early withdrawal of the entire amount in the account or plan.

Effective Date: On or after March 1, 2001

Certification:

Date

Promulgated Under: Revised Code Section 111.15

Statutory Authority: Revised Code Section 5101.54

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