



May 24, 2021

FOOD ASSISTANCE TRANSMITTAL LETTER NO. 418

TO: Food Assistance Manual Holders

FROM: Matt Damschroder, Interim Director

SUBJECT: Food assistance: Benefit Issuance and Use and Determining Eligibility of an Assistance Group When Other Non-Assistance Group Members Share the Same Address.

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 rules; rescind the rules; or continue the rules without amendment.

These rules have been reviewed by the Joint Committee on Agency Rule Review (JCARR) and will be effective on 06/01/2021.

Chapter 1000

5101:4-1-04 "Food assistance: Benefit Issuance and Use."

This rule describes the issuance and use for the Supplemental Nutrition Assistance Program (SNAP). Changes to the rule include:

- Language was stricken in paragraph (D)(9) and moved to paragraph (D)(7) for clarity;
- Paragraph (F) was amended for clarity;
- Paragraph (G) was amended for clarity; and
- Minor language changes for clarity.

Chapter 6000

5101:4-6-15 "Food assistance: Determining Eligibility of an Assistance Group When Other Non-Assistance Group Members Share the Same Address."

This rule describes the regulations for assistance groups who have non assistance group members living at the same address. Proposed changes to the rule include amending language in the preamble to align with current federal rules. Specifically, the phrase “supplemental security income (SSI) recipients receiving benefits through a cash-out system” was stricken as the federal rule states individuals who receive supplemental security income (SSI) benefits and/or State supplementary payments as a resident of California are not eligible to receive SNAP benefits due to the SSI payments in California are specifically increased to include the value of the SNAP allotment.

5101:4-1-04

Food assistance: benefit issuance and use.

(A) How are supplemental nutrition assistance program (SNAP) benefits issued?

SNAP benefits are issued to assistance groups on an electronic benefit transfer (EBT) card using a direct access system known as an EBT on-line system.

(B) What can assistance groups use SNAP benefits for?

SNAP benefits can be used by assistance group members to purchase eligible foods, including seeds and plants, for home consumption and use. Items allowed to be purchased with the EBT card are established by the United States department of agriculture (USDA) food and nutrition service (FNS) and are described in rule 5101:4-1-03 of the Administrative Code.

(C) Must an applicant have a place to prepare food to be eligible for SNAP benefits?

Assistance groups are not required to have cooking facilities or access to cooking facilities to be eligible for SNAP benefits.

(D) Where can an EBT card be used?

Local FNS field offices are responsible for the licensing and monitoring of retail food stores participating in the SNAP program. FNS will authorize participation of:

- (1) Retail food outlets;
- (2) Communal dining facilities;
- (3) Meals on wheels programs;
- (4) Drug and alcohol treatment centers;
- (5) Residents of group living arrangements;
- (6) Cooperatives;
- (7) Homeless meal providers, including soup kitchens;
- (8) Shelters for battered persons and children; ~~and,~~
- ~~(9) Soup kitchens.~~

(E) What is a communal dining facility?

A communal dining facility is a public or nonprofit establishment, ~~approved~~ authorized by FNS, which prepares and serves meals for elderly persons or supplemental security income (SSI) recipients and their spouses. It also includes senior citizens' centers, apartment buildings occupied primarily by the elderly or SSI recipients and their spouses, or private nonprofit establishments (eating or otherwise) that feed elderly persons or SSI recipients and their spouses, and federally subsidized housing for the elderly at which meals are prepared for and served to the residents.

(F) ~~When~~ What is it allowable to use an EBT card for a meals on wheels program?

~~Eligible assistance group members;~~ A meals on wheels program is a nonprofit meal delivery service authorized to be a retailer that delivers meals to individuals who are sixty years of age or over, or members who are housebound, physically handicapped, or otherwise disabled to the extent they are unable to adequately prepare all their meals. ~~;~~ Eligible assistance group members and their spouses; may use benefits to purchase meals from a meals on wheels program issued to them to purchase meals from a nonprofit meal delivery service authorized by FNS.

(G) ~~When can an EBT card be used at~~ What is a cooperative?

~~Benefits may be used to purchase food at any~~ A cooperative is a private nonprofit food purchasing venture cooperative authorized by FNS, which allows including those whose members to pool their resources to pay for buy food prior to its receipt. It also may allow members to pay for food prior to its receipt.

Effective: 6/1/2021
Five Year Review (FYR) Dates: 2/11/2021 and 06/01/2026

CERTIFIED ELECTRONICALLY

Certification

05/14/2021

Date

Promulgated Under: 111.15
Statutory Authority: 5101.54
Rule Amplifies: 329.04, 329.042, 5101.54
Prior Effective Dates: 06/02/1980, 12/01/1980, 06/12/1983, 03/24/1988
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08/01/2005, 01/01/2011, 04/01/2016

5101:4-6-15

Food assistance: determining eligibility of an assistance group when other non-assistance group members share the same address.

A non-assistance group member is a member of the household who is not included in the assistance group such as: an individual who purchases and prepares separately, a roomer, live-in attendant, boarder, ~~supplemental security income (SSI) recipient receiving benefits through a cash-out system~~, or an ineligible student.

(A) How are the income and resources of non-assistance group members treated?

For all non-assistance group members who are not specifically mentioned in rule 5101:4-6-13 of the Administrative Code income and resources of such individuals shall not be considered available to the assistance group with whom the individual resides.

(B) How are cash payments made by a non-assistance group member to an assistance group member treated?

Cash payments from a non-assistance group member to an assistance group will be considered income under the normal income standards specified in rule 5101:4-4-19 of the Administrative Code, unless the non-assistance group member is making a payment directly to the vendor. Payments made directly to a vendor shall be excluded as income.

(C) How are expenses shared between a non-assistance group member and an assistance group member treated?

(1) When the assistance group shares deductible expenses with the non-assistance group member, only the amount actually paid or contributed by the assistance group shall be deducted as an assistance group expense.

(2) When the payments or contributions cannot be differentiated, the expenses shall be prorated evenly among the individuals actually paying or contributing to the expense and only the assistance group's prorated share is deducted. If the assistance group is eligible for a utility allowance the utility allowance is not prorated.

(3) When the non-assistance group member and any assistance group member contribute to the costs of any utility covered under one of the utility allowances as described in rule 5101:4-4-23 of the Administrative Code the assistance group is entitled to the full utility allowance.

- (D) How is the income of an assistance group member determined when the income is combined with the income of a non-assistance group member?

When the income of one or more assistance group members and the income of a non-assistance group member are combined, the income of the assistance group members shall be determined as follows:

- (1) When the assistance group member's share can be identified, the county agency shall count that portion as income; or
- (2) When the assistance group member's share cannot be identified, the county agency shall prorate the income among all those whom it was intended for and only count the assistance group's prorated share.

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