



April 20, 2022

**FOOD ASSISTANCE TRANSMITTAL LETTER NO. 427**

TO: Food Assistance Manual Holders

FROM: Matt Damschroder, Director

**SUBJECT: Food assistance: Nonfinancial Eligibility Standard-Residency.**

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 06/01/2022.

**Chapter 3000**

**5101:4-3-03 "Food assistance: Nonfinancial Eligibility Standard-Residency."**

This rule describes the nonfinancial eligibility standard concerning county residency. Changes to the rule include:

- The term "household" was changed to "assistance group" because the definition of "household" in federal rules is a group of individuals who purchase and prepare food together. Whereas Ohio uses the term "assistance group" for a group of individuals who purchase and prepare together; and
- Minor language changes for clarity.

5101:4-3-03

**Food assistance: nonfinancial eligibility standard-residency.**

## (A) What is the residency requirement?

An ~~applicant~~-assistance group must file an application for participation with the county agency that ~~services~~-serves the county in which the ~~applicant~~-assistance group resides. The county agency shall not impose any durational residency requirements. Residency shall not mean an intent to permanently reside in the state or county; however, individuals in a county solely for vacation shall not be considered residents. A fixed residence is not required; for example, migrant campsites satisfy the residency requirement. The county agency shall not require an otherwise eligible assistance group to have a permanent dwelling or have a fixed mailing address as a condition of eligibility.

(B) May an individual participate in more than one ~~household~~-assistance group in a month?

An individual may not participate as a member of more than one assistance group ~~or in more than one county or household~~ in any month. The only exception is when the individual is a resident of a shelter for battered persons and their children as defined in rule 5101:4-6-27 of the Administrative Code and was a member of an assistance group containing the individual who had abused him or her. Residents of shelters for battered persons and their children shall be handled in accordance with rule 5101:4-6-27 of the Administrative Code.

## (C) What residency information is requested on an application?

The application asks for both a physical address and a mailing address. When the two are different, the county agency shall request that both addresses be given. When the address is a rural route, information shall be given that will provide directions to the home. Addresses on an application shall be verified in accordance with rule 5101:4-2-09 of the Administrative Code.

Effective: 6/1/2022  
Five Year Review (FYR) Dates: 1/31/2022 and 06/01/2027

CERTIFIED ELECTRONICALLY

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Certification

04/19/2022

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Date

Promulgated Under: 111.15  
Statutory Authority: 5101.54  
Rule Amplifies: 329.04, 329.042, 5101.54  
Prior Effective Dates: 06/02/1980, 06/18/1981, 07/01/1982, 12/31/1984  
(Emer.), 04/01/1985, 08/20/1986 (Emer.), 11/15/1986,  
10/01/1990, 06/01/1993, 09/22/1996 (Emer.),  
12/21/1996, 04/01/1997 (Emer.), 06/06/1997,  
06/07/1998, 05/01/2003, 11/01/2007, 09/01/2012,  
05/01/2015, 07/01/2017