



October 17, 2022

Food Assistance Transmittal Letter No. 433

TO: All Food Assistance Manual Holders

FROM: Matt Damschroder

SUBJECT: Food Assistance: initial application process, assistance group definition, authorized representatives and restoration and entitlement of lost benefits.

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 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.

Ohio Administrative Code rules 5101:4-2-01 and 5101:4-8-03 have been amended for five year rule review. Rules 5101:4-2-03 and 5101:4-2-05 have been amended to incorporate changes due to FNS guidance regarding unaccompanied homeless minors applying for benefits. In certain situations, a minor may apply on behalf of themselves or other individuals who are considered under the parental control of the minor. The rules have been updated to allow for this when an unaccompanied homeless minor is not under the parental control of another adult and is seeking to apply for benefits on their own.

The Office of Family Assistance (OFA) has completed a review of the following rules and these rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The changes will become effective on 11/1/2022.

Chapter 2000

5101:4-2-01 "Food assistance: initial application process."

This rule describes the process of an initial application for the SNAP program. OFA amended this rule. Changes to the rule include:

- Paragraph (A)(2)(c) was added to define a complete telephonic application;
- Language was added to paragraph (A)(3) to clarify the assistance group must be provided a written summary of the interview information assented to when an application is signed telephonically;
- Paragraph (C)(1) was amended to detail who may sign the application, which includes unaccompanied homeless minors;
- Paragraph (C)(2)(b) was amended to remove that the online application (self-service portal, or SSP) was the only form of an “electronic signature”. Examples of other types of electronic signatures was added to this paragraph;
- Removed language from paragraph (C)(5) that limited who may sign the application to allow for unaccompanied homeless minors to sign on their own behalf;
- Removed the county contact methods from paragraph (D)(1)(a);
- Added clarifying language to paragraph (D)(2);
- Removed telephone contact as the only method of county contact from paragraph (E)(2);
- Added language to paragraph (F) to specify the date of application for a telephonic application is the date the telephonic application process is completed;
- Language was added to paragraph (G) for clarity;
- Paragraph (M) was reordered and (M)(2) was added to define an incomplete telephonic application process is considered an inquiry; and
- Minor grammatical and date changes for clarity.

5101:4-2-03 "Food assistance: assistance group definitions."

This rule describes the process of determining an assistance group and who should be included in the assistance group. OFA has amended this rule. Changes to this rule include:

- Added paragraph (A)(7) to define an unaccompanied minor as a homeless individual not living with their parent(s) (natural, adopted, or step) and is not under parental control of a household member as described in paragraph (A)(5) of this rule can be determined to be an assistance group.

5101:4-2-05 "Food assistance: authorized representatives."

This rule defines the requirements of authorized representatives for the Supplemental Nutrition Assistance Program (SNAP). OFA amended this rule. Changes to the rule include:

- Added language to paragraph (A) to allow an unaccompanied homeless minor to designate an authorized representative; and
- Edited language to state that an authorized representative must be designated rather than identified.

Chapter 8000

5101:4-8-03 "Food assistance: restoration and entitlement of lost benefits."

This rule describes the requirements for restoration and entitlement of lost SNAP benefits. OFA amended this rule. Changes to this rule include:

- Updated food assistance reference to supplemental nutrition assistance program (SNAP) in paragraph (A);
- Updated one year to twelve months in paragraph (B)(3)(b) to align with the rest of the rule;
- Update reference of reapplication to recertification and added Administrative code 5101:4-5-07 rule reference to paragraph (G)(2)(a); and
- Minor grammatical changes for clarity.

5101:4-2-01

Food assistance: initial application process.

(A) How does an individual apply for supplemental nutrition assistance program (SNAP) benefits?

(1) The application process begins with a request for SNAP. Upon request to apply, the county agency shall provide the individual or authorized representative with all of the following forms:

(a) A JFS 07200, "~~Request~~Application for Supplemental Nutrition Assistance Program (SNAP), Cash Assistance, Food, and Medical Assistance or Child Care Assistance" (rev. 10/2016);

(b) A JFS 07217 "Voter Registration Notice of Rights and Declination" (~~8/2009~~) and a voter registration form (for requirements and procedures of the National Voter Registration Act of 1993 refer to rule 5101:1-2-15 of the Administrative Code); and

(c) A JFS 07501 "Program Enrollment and Benefit Information," (rev. 4/2018).

(2) Assistance groups wishing to participate in the program shall file a complete application.

For purposes of division 5101:4 of the Administrative Code:

(a) An "application" is a JFS 07200 or its telephonic or electronic equivalent; and

(b) Except as outlined in paragraph (A)(2)(c) of this rule ~~A~~ "complete application" is an application that includes, at a minimum, the name, address and signature of the person completing the application.

(c) A complete telephonic application includes, at a minimum:

(i) A name, and address;

(ii) A completed interview in accordance with rule 5101:4-2-07 of the Administrative Code; and

(iii) A telephonic signature of the person completing the application. A telephonic signature is an audio recording of the assistance group's verbal assent and a summary of the information to which the assistance group assents.

- (3) The county agency shall assist an assistance group in the completion of its application and offer to provide a copy of a completed application to the assistance group. The county agency shall provide an electronic copy of the completed application when the applicant requests an electronic copy. When the application is signed with a telephonic signature the county agency is to provide the assistance group a written copy of the JFS 07008 "Benefit Application Summary" or its electronic equivalent of the information attested to during the interview.
- (4) The county agency shall provide a means for the applicant to immediately begin the application process whether the process is paper, electronic, or telephonic.

(B) What are the methods for filing an application?

- (1) An assistance group may submit an application to the county agency:
 - (a) In person;
 - (b) Through an authorized representative;
 - (c) By fax;
 - (d) By electronic transmission;
 - (e) By mail; or
 - (f) By telephone.
- (2) Assistance groups shall have the right to apply for SNAP in writing. The county agency shall make the JFS 7200 readily accessible and available even if the county agency accepts applications using other means as described in paragraph (B)(1) of this rule.
- (3) Pure supplemental security income (SSI) assistance groups, in which all members are applicants for or recipients of SSI, may apply at either the social security administration (SSA) district office or the county agency.
- (4) Individuals scheduled for release from a public institution who are applying for SSI benefits will also be permitted to apply for SNAP in accordance with rule 5101:4-6-19 of the Administrative Code.

(C) Who shall sign the application?

- (1) The application shall be signed by ~~all individuals who helped complete the application. This includes the primary applicant's name, the authorized representative when one has been designated, an interpreter or a social worker.:~~
 - (a) A member of the assistance group;
 - (b) An authorized representative when the designation has been made in accordance to rule 5101:4-2-05 of the Administrative Code;or
 - (c) An unaccompanied homeless minor as defined in rule 5101:4-2-03 of the Administrative Code.
- (2) The types of signatures include:
 - (a) Handwritten signatures (including handwritten signatures that are transmitted by facsimile or other electronic submission). When the signatory cannot sign with a name, an 'X' is a valid signature. The county agency may require a witness to attest to an 'X' signature. An employee of the county agency may serve as a witness.
 - (b) Electronic signatures ~~through the online application, and~~which include the following:
 - (i) A digital signature;
 - (ii) A handwritten signature input on electronic signature pad or display screen; or
 - (iii) A digitized image of a handwritten signature that is attached to an electronic record or a typed name on an online application. This excludes telephonic signatures as described in paragraph (C)(2) of this rule.
 - (c) Telephonic signatures obtained in accordance with procedures approved by the Ohio department of job and family services (ODJFS).
- (3) A handwritten signature shall not be required when there is an electronic or telephonic signature. Electronic and telephonic signatures shall have the same legal effect and are enforced in the same way as a handwritten signature.
- (4) When an application is not signed by the necessary individuals then the application for benefits for that assistance group is considered incomplete. The county agency shall contact the individuals listed and attempt to obtain a valid

signature. The county agency shall not certify an assistance group without a signed application.

- (5) The signature ~~of a responsible adult person~~ on the application certifies, under penalty of perjury, the truth of the information contained on the application, including the information concerning citizenship and alien status of the members applying for benefits.

(D) When can an application be filed?

- (1) An assistance group shall be advised of the right to file an application on the same day it contacts the county agency during office hours. The county agency:
- (a) Shall encourage an assistance group to file an application the same day the assistance group or its representative contacts the county agency ~~in person or by telephone~~ and expresses interest in obtaining SNAP or expresses concerns that indicate food insecurity.
 - (b) Shall post signs that explain the application processing standards and the right to file an application on the day of initial contact.
 - (c) Shall include information about same-day filing in outreach materials.
- (2) Except for application filed telephonically. ~~The~~the assistance group shall also be advised that it does not have to be interviewed before filing an application and that it may file an application as long as the application contains the applicant's name, address, and the signature of the appropriate individuals as defined in paragraph (C)(1) of this rule.

(E) Where shall an application be filed?

An application shall be filed with the county agency that serves the county in which an applicant resides.

- (1) When an application is filed with a county agency that does not serve the county where an applicant resides, the following shall occur:
- (a) When the application is filed in person, the county agency shall provide the applicant with the address and telephone number of the county agency that serves the county in which the applicant resides and shall offer to forward the application to the county agency that same day. The county agency shall forward the application on the same day or forward it the next day by any means that ensures the application arrives at the county agency the same day it is forwarded.

- (b) When the application is filed by mail or electronically, the county agency shall mail, fax or electronically send the application to the appropriate county agency on the same day or forward it the next day by any means that ensures the application arrives at the county agency the same day it is forwarded.
- (2) When an ~~applicant~~ individual contacts a county agency ~~by telephone~~ and declines to go to the county agency to file an application that same day and instead prefers to receive an application by mail, the county agency shall mail an application on the same day the ~~telephone~~ request is received. The county agency shall include with the application the name and address of the county agency where the application shall be filed (when known) and remind the applicant eligibility for benefits is based on the date the application is received.
- (F) What is the date of application?
- (1) The date of application is the date the agency receives the completed application. For telephonic applications, the date of application is the date the telephonic application process is completed. When the completed application is received after business hours, the date of the application shall be the next business day. When an assistance group is determined eligible, benefits shall be provided from the date of application to the end of the month.
- (2) County agencies shall document the date the application was received by recording the date of receipt on the application.
- (3) The filing date of the application to be recorded by the county agency is the date of release of the applicant from the institution when a resident of an institution is applying for SNAP benefits prior to leaving the institution. When a resident of an institution is jointly applying for SSI and SNAP benefits prior to leaving the institution, the date of release of the applicant from the institution will be considered the date of application.
- (G) How many applications can be filed by a household?
- (1) One application can be submitted for all assistance groups within a household ~~although there may be situations in which more than one application will be completed~~ when the individual signing the application has been designated as an authorized representative for all assistance groups.
- (2) When more than one assistance group resides in a household, each assistance group ~~has the right~~ is to complete its own separate application with a signature as described in paragraph (C) of this rule. Rule 5101:4-2-03 of the Administrative

Code shall be followed to determine the composition of assistance groups within the residence.

- (3) The household shall not be required to complete more than one application when it is indicated that the household is applying for medicaid, cash and/or SNAP simultaneously.
- (H) What happens when an assistance group refuses to cooperate with the application process?
- (1) When the assistance group refuses to cooperate with the county agency in completing any part of the application process, the application shall be denied at the time of refusal. For a determination of refusal to be made, the assistance group must be able to cooperate, but clearly demonstrate it will not take the actions required to complete the application process. For example, to be denied for refusal to cooperate, an assistance group must refuse to be interviewed, not merely fail to appear for the interview.
 - (2) When there is any question as to whether the assistance group has merely failed to cooperate, as opposed to refused to cooperate, the assistance group shall not be denied, and the agency shall provide assistance in obtaining required verification.
 - (3) The assistance group shall also be determined ineligible when it refuses to cooperate in any subsequent review of eligibility, including reviews generated by reported changes and recertifications.
 - (4) Once denied or terminated for refusal to cooperate, the assistance group may reapply but shall not be determined eligible until it cooperates with the county agency.
 - (5) The county agency shall not determine the assistance group ineligible when a person outside the assistance group fails to cooperate with a request for verification. The county agency shall not consider individuals identified as non-assistance group members under rule 5101:4-2-03 of the Administrative Code as individuals outside the assistance group.
- (I) How are assistance groups handled when they reapply after refusing to cooperate with a quality control review?
- (1) When the assistance group refused to cooperate with a state quality control reviewer and reapplies within one hundred twenty-five days after the annual review period ended, the assistance group shall cooperate with the quality control reviewer before being determined eligible.

- (2) When the assistance group refused to cooperate with a state quality control reviewer and reapplies after one hundred twenty-five days of the annual review period, the assistance group shall provide verification as required in rule 5101:4-2-09 of the Administrative Code prior to being determined eligible to participate.
- (3) When the assistance group refused to cooperate with a federal quality control reviewer and reapplies within nine months after the annual review period, the assistance group shall cooperate with the quality control reviewer before being determined eligible.
- (4) When the assistance group refused to cooperate with a federal quality control reviewer and reapplies after nine months of the annual review period, the assistance group shall provide verification as mandated in rule 5101:4-2-09 of the Administrative Code prior to being determined eligible to participate.

(J) What is the time limit for processing an application?

- (1) The assistance group shall be given an opportunity to participate no later than thirty days after the application is filed. Expedited service shall be available to assistance groups in immediate need in accordance with rule 5101:4-6-09 of the Administrative Code.
- (2) The county agency shall determine the eligibility and benefit amount within the first thirty days based on the circumstances for the entire month. Even when the application is filed late in the month, the assistance group's circumstances for the entire month shall be considered.

(K) How is a voluntary withdrawal of an application processed?

An assistance group may voluntarily withdraw the application at any time before the county agency determines it to be eligible. "Voluntary withdrawal" means the assistance group, on its own initiative, has contacted the county agency, either orally or in writing, and requested that the application not be processed any further. The county agency shall document in the case file the reason for withdrawal, if given, and that contact was made with the assistance group to confirm the withdrawal. The county agency shall advise the assistance group of its right to reapply at any time and shall notify the assistance group via a statewide automated eligibility system generated notice of the denial of benefits due to voluntary withdrawal.

(L) How is an application for SNAP processed when the assistance group is applying for other benefits?

- (1) All SNAP applications, regardless of whether they are joint applications or separate applications, shall be processed in accordance with SNAP procedural timeliness standards, notice requirements, and fair hearing requirements specified in Chapters 5101:4-2, 5101:4-5, 5101:4-6, and 5101:6-2 of the Administrative Code. No assistance group shall have SNAP benefits denied solely on the basis that an application to participate in another program has been denied or benefits under another program have been terminated without a separate determination that the assistance group failed to satisfy a SNAP eligibility requirement.
- (2) An assistance group that simultaneously requests SNAP and another program and is denied benefits for the other program shall not be required to resubmit another application for SNAP but shall have SNAP eligibility determined in accordance with the SNAP processing time frames from the date the joint application was initially accepted by the county agency.
- (3) To facilitate participation in the program, the county agency shall notify assistance groups in which members are applying for other types of assistance that they may file a separate application for SNAP benefits independent of the application for benefits for any other program.

(M) When is an application considered an inquiry?

~~An application is considered an inquiry when it is signed by one assistance group containing multiple potential assistance groups:~~

- (1) An application is considered an inquiry when it is signed by one assistance group containing multiple potential assistance groups and the individual signing the application is not the authorized representative for all assistance groups; or
- (2) A telephonic application is considered an inquiry when the telephonic process is not complete as outlined in paragraph (A)(2)(c) of this rule.
- ~~(1) And the individual signing the application is not the authorized representative for all the assistance groups, and thirty days have passed; or~~
- ~~(2) The potential assistance group does not complete the interactive interview and thirty days have passed.~~

Effective: 11/1/2022
Five Year Review (FYR) Dates: 5/3/2022 and 11/01/2027

CERTIFIED ELECTRONICALLY

Certification

10/14/2022

Date

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5101:4-2-03

Food assistance: assistance group definitions.**(A) What is an assistance group?**

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

- (1) **Individual:** 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.
- (2) **Groups:** a group of individuals who live together and customarily purchase food and prepare meals together for home consumption.
- (3) **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 when they do not do so.
- (4) **Children living with their parents:** any person under the age of twenty-two who lives with the parent(s) (natural, adopted, or step) must be included in the same assistance group with the parent(s). When a person under the age of twenty-two has a spouse and/or child(ren) of his or her own, the spouse and child(ren) of the person must also be included in the same assistance group.
- (5) **Person under parental control:** persons (excluding children for whom foster care, guardianship, or kinship support payments are received) under eighteen years of age and unmarried living 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 when 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. 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.
- (6) **Elderly and disabled individual:** although a group of individuals living together and purchasing and preparing meals together constitutes a single assistance group based on paragraph (A)(2) of this rule, an otherwise eligible member of such an assistance group who is sixty years of age or older and unable to purchase and prepare meals because he/she suffers from a disability considered permanent under the Social Security Act of 1935 or suffers from a non disease-

related, severe, permanent disability may be a separate assistance group from the others, other than his spouse, provided 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 level (FSP-14 "Separate Assistance Group Income Standards-Elderly and Disabled Assistance Groups Only").

(7) An unaccompanied minor: a homeless individual who is not living with their parent(s) (natural, adopted, or step) and is not under the parental control of a household member as described in paragraph (A)(5) of this rule. While some homeless minors may fall under parental control of a non-parent household member, other homeless minors are not.

(B) What shall the county agency do when an individual claims to be in a separate assistance group from those with whom they reside?

Individuals who claim to be a separate assistance group from those with whom they reside shall be responsible for providing verification that they are a separate assistance group to the satisfaction of the county agency. 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. For the purpose of determining whether people are living together, consideration shall be given to, but not limited to the following:

(1) Separate address

The county agency shall consider whether the persons involved have addresses that are commonly recognized as separate in the community.

(2) Separate utilities

The county agency shall consider whether the persons involved have separate utility meters and are, therefore, billed separately by the utility companies.

(3) Separate entrances

The county agency 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 county agency shall consider whether the owner of the property considers the property to contain separate units.

(C) Which non-assistance group members are eligible to participate as separate assistance groups?

For the purpose of defining an assistance group under paragraph (A) of this rule, the following individuals shall not be included as a member of the assistance group unless specifically included as an assistance group member under paragraph (A)(3) (spouses), (A)(4) (parents living with their children), or (A)(5) (person under parental control) of this rule, and shall not be included as a member of the assistance group for the purposes of determining assistance group 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 (when otherwise eligible) may participate as separate assistance groups:

(1) Roomers

Individuals to whom an assistance group furnishes lodging for compensation, but not meals.

(2) Live-in attendants

Individuals who reside with an assistance group to provide medical, housekeeping, child care, or other similar personal services.

(3) Other

Other individuals who share living quarters with the assistance group but who do not customarily purchase food and prepare meals with the assistance group. For example, when 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 assistance group.

(D) Which non-assistance group members are ineligible to participate as separate assistance groups?

Some assistance group members are ineligible to receive benefits under the provisions of the Food and Nutrition Act of 2008. 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 assistance group for the purpose of defining an assistance group in accordance with this rule. However, such individuals shall not be included as

eligible members of the assistance group when determining the assistance group's size for the purpose of comparing the assistance group's monthly income with an income eligibility standard or assigning a benefit level by assistance group size. These individuals are not eligible to participate as separate assistance groups. 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 to comply with a work requirement of rule 5101:4-3-11 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.
- (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 assistance group who is otherwise eligible to participate in the supplemental nutrition assistance program (SNAP) shall be eligible to participate as a member of that or any other assistance group during any period during which the individual is determined to be a fleeing felon or a probation or parole violator, in accordance with this paragraph. See rule 5101:4-6-13 of the Administrative Code for how to treat the income, resources, and expenses of these individuals.
 - (a) When the county agency has information that an individual may be fleeing to avoid prosecution or arrest for a felony, the county agency shall obtain documentary evidence of the following before imposing ineligibility under this rule:

- (i) There is an outstanding felony warrant for the individual issued by a federal, state, or local law enforcement agency, and the underlying cause for the warrant is for committing or attempting to commit a crime that is a felony under the law of the place from which the individual is fleeing or a high misdemeanor under the law of New Jersey;
 - (ii) Considering all the relevant facts and circumstances, a reasonable person would conclude that the individual is aware of, or should reasonably have been able to expect that, the felony warrant has already or would have been issued;
 - (iii) Considering all the relevant facts and circumstances, a reasonable person would conclude that the individual has taken some action to avoid being arrested or jailed; and,
 - (iv) A federal, state, or local law enforcement agency is actively seeking the individual as provided in paragraph (D)(6)(c) of this rule.
- (b) When the county agency has information that an individual may have violated a condition of probation or parole imposed under a federal or state law, the county agency shall obtain documentary evidence of the following before imposing ineligibility under this rule:
- (i) A court of competent jurisdiction or the adult parole authority has determined that the individual has violated a condition of his or her probation or parole imposed under a federal or state law; and,
 - (ii) A federal, state, or local law enforcement agency is actively seeking the individual to enforce the conditions of the probation or parole as described in paragraph (D)(6)(c) of this rule.
- (c) The county agency shall obtain documentary evidence of whether the law enforcement agency is actively seeking the individual when determining the eligibility of a fleeing felon or an individual who has violated a condition of his or her probation or parole imposed under a federal or state law.
- (i) For purposes of this rule, "actively seeking" is defined as follows:
 - (a) A federal, state, or local law enforcement agency informs the county agency that it intends to enforce an outstanding felony warrant or to arrest an individual for a probation or

parole violation within twenty days of submitting a request for information about the individual to the county agency;

(b) A federal, state, or local law enforcement agency presents a felony arrest warrant that conforms to one of the following national crime information center uniform offense classification codes to the county agency to obtain information on the location of and other information about the individual named in the warrant:

(i) Escape (4901);

(ii) Flight to avoid (4902); or,

(iii) Flight-escape (4999); or,

(c) A federal, state, or local law enforcement agency informs the county agency that it intends to enforce an outstanding felony warrant or to arrest an individual for a probation or parole violation within thirty days of the date of a request from a county agency about a specific outstanding felony warrant or probation or parole violation.

(ii) When the law enforcement agency indicates that it does intend to enforce the felony warrant or arrest the individual for the probation or parole violation within thirty days of the date of the county agency's inquiry, the county agency will postpone taking any action on the case until the thirty day period has expired and shall verify with the law enforcement agency after the thirty days whether it has attempted to execute the felony warrant or arrest the probation or parole violator.

(a) When the law enforcement agency has attempted to execute the felony warrant or arrest the probation or parole violator within the thirty days, the county agency shall deny an applicant or terminate a participant who has been determined to be a fleeing felon or a probation or parole violator in accordance with paragraph (K)(4) of rule 5101:4-7-01 of the Administrative Code. When law enforcement subsequently indicates that it no longer intends to enforce the felony warrant or arrest the individual for the probation or parole violation, the county agency shall not consider the individual a fleeing felon or probation or parole violator as of the date

law enforcement made its decision and shall document the case file accordingly.

(b) When the law enforcement agency has not taken any action within the thirty days, the county agency shall not consider the individual a fleeing felon or probation or parole violator and shall document the case file accordingly.

(iii) When the law enforcement agency indicates that it does not intend to enforce the felony warrant or arrest the individual for the probation or parole violation within thirty days of the date of the county agency's inquiry about the warrant, the county agency shall determine that the individual is not a fleeing felon or a probation or parole violator and document the case file accordingly.

(d) When awaiting verification and/or determining if an individual is a fleeing felon or probation or parole violator, the county agency shall continue to process the application in accordance with the timeframes described in rule 5101:4-2-11 of the Administrative Code. The county agency shall verify fleeing felon or probation or parole violator status in accordance with paragraph (D)(6)(a) or (D)(6)(b) of this rule. Once verification is received and it is determined that an individual is a fleeing felon or probation or parole violator, the county agency shall impose ineligibility for the individual and redetermine the assistance group's eligibility. For purposes of processing a change in benefits in accordance with paragraph (K)(4) of rule 5101:4-7-01 of the Administrative Code or calculating claims, an individual is not considered to be a fleeing felon or probation or parole violator until the date the county agency has made a determination in accordance with paragraph (D)(6) of this rule.

(7) No member of an assistance group who is otherwise eligible to participate in SNAP is to be eligible to participate as a member of an assistance group during any period which the individual is determined to be convicted of and out of compliance with their sentence for certain crimes committed on or after February 7, 2014. See rule 5101:4-6-13 of the Administrative Code for how to treat the income, resources, and expenses of these individuals.

(a) Individuals who self attest to a conviction as an adult and who are out of compliance with their sentence for the following crimes:

(i) Aggravated sexual abuse 18 U.S.C. 2241 (12/2007);

(ii) Murder 18 U.S.C. 1111 (4/2003);

- (iii) An offense under 18 U.S.C. Chapter 110 (as in effect on 7/1/19);
 - (iv) A federal or state offense involving sexual assault, as defined in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)); or
 - (v) An offense under state law determined by the attorney general of the United States, to be substantially similar to an offense described in paragraphs (D)(7)(a)(i) to (D)(7)(a)(iii) of this rule.
- (b) The county agency is to verify attestations, when questionable, as described in rule 5101:4-2-09 of the Administrative Code. When awaiting verification and/or determining if an individual is convicted of and is out of compliance with their sentence for a crime described in paragraph (D) (7) of this rule, the county agency is to continue to process the application in accordance with the timeframes described in rule 5101:4-2-11 of the Administrative Code.
- (8) For individual(s) who have failed to perform an action required under rule 5101:4-3-09 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.
- (9) For persons ineligible under rule 5101:4-3-20 of the Administrative Code, the time limit for able-bodied adults without dependents, see rule 5101:4-6-13 of the Administrative Code for how to treat the income, resources, and expenses of these individuals.
- (E) Which individuals or groups are ineligible for SNAP?
- (1) Boarders, individuals in foster care, children for whom guardianship payments are received in accordance with rule 5101:4-1-03 of the Administrative Code, and children for whom kinship support payments are received as described in rule 5101:2-42-18.2 of the Administrative Code.

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 foster care by a government agency, children receiving guardianship payments as defined in rule 5101:4-1-03 of the Administrative Code, and children for whom kinship support payments are received as described in rule 5101:2-42-18.2 of the Administrative Code. Boarders are ineligible to participate in the program as

independent assistance groups. They may, however, participate as members of the assistance group providing the boarder services to them, at such assistance group's request pursuant to rule 5101:4-6-03 of the Administrative Code. In no event shall boarder status be granted to those individuals or groups of individuals described in paragraphs (A)(2) to (A)(5) of this rule.

(2) 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 SNAP at the same time they apply for SSI. Individuals shall be considered residents of an institution if 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:

- (a) Residents of federally subsidized housing for the elderly built under either section 202 of the Housing Act of 1959 (12 U.S.C. 1701) (2013) or section 236 of the National Housing Act (12 U.S.C 1701).
- (b) 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.
- (c) 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.)
- (d) 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 assistance group units for the purpose of applying for and participating in SNAP.
- (e) Residents of public or private shelters for homeless persons.

(3) Strikers

Assistance groups with striking members shall be ineligible to participate unless the assistance group was eligible for benefits the day prior to the strike and is otherwise eligible at the time of application. Assistance groups 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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5101:4-2-05

Food assistance: authorized representatives.

(A) What is an authorized representative?

An authorized representative is a person/entity whom the assistance group chooses to act on its behalf. A non-household member may be designated as an authorized representative provided that the person is an adult who is sufficiently aware of relevant household circumstances. An adult member of the assistance group or an unaccompanied homeless minor as defined in rule 5101:4-2-03 of the Administrative Code may ~~identify~~designate and use an authorized representative at any time. The assistance group may have more than one authorized representative selected to do one or more of the following:

- (1) Act on the assistance group's behalf, including but not limited to:
 - (a) Completing the application process;
 - (b) Carrying out responsibilities during the certification period, such as reporting changes in the assistance group's circumstances;
 - (c) Requesting a state hearing and representing the assistance group at a state hearing; and
 - (d) Receiving all notices and correspondence issued by the county agency on behalf of the assistance group. The county agency shall issue notices and correspondence to both the authorized representative and the assistance group.
- (2) Obtain supplemental nutrition assistance program (SNAP) benefits on behalf of the assistance group, i.e. receive the electronic benefit transfer (EBT) card. Even when the assistance group is able to obtain its own SNAP benefits, it should be encouraged to name an authorized representative to obtain benefits in case of illness or other circumstances that might result in the inability to obtain benefits.
- (3) Use SNAP benefits on behalf of the assistance group.

(B) How is an authorized representative ~~identified~~designated?

When an ~~adult member of the~~ assistance group ~~identifies~~designates and ~~uses~~ an authorized representative, the following actions are to be taken:

- (1) An assistance group shall ~~identify~~designate in writing an authorized representative who is authorized to act on their behalf as described in paragraph (A)(1) of this rule.

- (2) An assistance group shall name an authorized representative to obtain SNAP benefits on behalf of the assistance group as described in paragraph (A)(2) of this rule.
 - (3) An assistance group may name an authorized representative to use SNAP benefits on its behalf, as described in paragraph (A)(3) of this rule, but is not required to do so.
 - (4) An assistance group may identify and use an authorized representative for a one time emergency situation. A separate written designation is needed each time an emergency authorized representative is used.
- (C) What are the restrictions on designations of authorized representatives described in paragraphs (A)(1) and (A)(2) of this rule?

In order to prevent abuse of the program, the county agency may set a limit on the number of households an authorized representative can represent. The county agency shall impose the following restrictions for authorized representatives described in paragraphs (A)(1) and (A)(2) of this rule:

- (1) County agency employees who are involved in the certification or issuance processes and retailers who are authorized to accept SNAP benefits shall not act as authorized representatives. When the county agency determines that no one else is available to serve as an authorized representative they may with written approval.
- (2) An individual who is disqualified for an intentional program violation cannot act as an authorized representative during the disqualification period unless the county agency has determined that no one else is available to serve as an authorized representative. The county agency must separately determine whether the individual is needed to apply on behalf of the assistance group or to obtain benefits on behalf of the assistance group.
- (3) When the county agency has confirmed that an authorized representative has knowingly provided false information or improperly used SNAP benefits, the representative may be disqualified to serve as an authorized representative for up to one year. The assistance group and authorized representative must be notified in writing thirty days prior to the date of disqualification. The notification must include the reason for the proposed action and include the assistance group's right to a state hearing. This provision is not applicable in the case of drug and alcoholic treatment centers and those group homes that act as authorized representatives for their residents.

- (4) Homeless meal providers cannot act as authorized representatives for homeless SNAP recipients.
 - (5) In the event an employer such as those that employ migrant or seasonal farm workers are designated as authorized representatives or a single authorized representative has access to a large number of authorization documents, the county agency should exercise caution to ensure that each assistance group has freely requested the assistance of the authorized representative, the assistance group's circumstances are correctly represented, and that the authorized representative is properly using the benefits.
- (D) How are authorized representatives utilized in drug and alcohol treatment centers and group living arrangements?
- (1) Residents of drug or alcohol treatment centers must apply and be certified through the use of an authorized representative. Residents shall be responsible for complying with requirements described in rule 5101:4-6-01 of the Administrative Code.
 - (2) Residents of group living arrangements have the option to apply and be certified through the use of an authorized representative as described in rule 5101:4-6-26 of the Administrative Code.
 - (3) Drug or alcohol treatment centers and group living arrangements that act as authorized representatives for residents of the facilities must use SNAP benefits for food prepared and served to those residents participating in the SNAP program except when a resident leaves the facility as specified in rules 5101:4-6-01 and 5101:4-6-26 of the Administrative Code.
 - (4) The representatives of the drug and alcohol treatment centers or group living arrangements that act as authorized representatives for their residents, and intentionally misrepresent an assistance group's circumstances, may be prosecuted under applicable federal and state statutes for their acts.
- (E) What are the responsibilities of the county agency?
- (1) When an applicant or recipient indicates that he or she may have difficulty completing the application process, the county agency shall explain that a non-assistance group member may be designated as the authorized representative for the application process.
 - (2) When an applicant or recipient ~~identifies~~designates an authorized representative as described in paragraph (B) of this rule, the county agency is to record the name of the authorized representative in the case file.

- (3) The county agency is to develop a system that allows an assistance group to select an emergency authorized representative in writing for a particular month's benefits.
- (4) Except for those situations in which a drug and alcohol treatment center or other group living arrangement acts as the authorized representative, the county agency must inform the household that they will be held liable for any overissuance that results from erroneous information given by the authorized representative.

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5101:4-8-03

Food assistance: restoration and entitlement of lost benefits.

- (A) What is restoration of ~~food assistance~~ supplemental nutrition assistance program (SNAP) benefits?

Restoration of benefits is when an assistance group is issued benefits because they have been determined eligible, and additional benefits are due to them because an incorrect amount was issued.

- (B) Who is eligible for a restoration of benefits?

Assistance groups who:

- (1) Have lost benefits due to an agency error.
- (2) Were determined to have committed an intentional program violation that has been reversed.
 - (a) An individual would not be entitled to restoration of lost benefits for the period of disqualification based solely on the fact that a criminal conviction could not be obtained, unless the individual successfully challenged the disqualification period imposed by an administrative disqualification in a separate court action. Participation in an administrative disqualification hearing in which the assistance group contests the county agency assertion of intentional program violation shall be considered notification that the assistance group is requesting restored benefits.
 - (b) For each month the individual was disqualified, not to exceed twelve months prior to county agency notification, the amount to be restored, if any, shall be determined by comparing the allotment the assistance group received with the allotment the assistance group would have received had the disqualified member been allowed to participate. When the assistance group received a smaller allotment than it should have received, the difference equals the amount to be restored.
- (3) Receive a judicial action determining benefits were wrongfully withheld. When the assistance group's situation has been reviewed and determined through the judicial process that the benefits have been wrongfully withheld, the county agency shall restore the assistance group's benefits. When the judicial action is the first action the recipient has taken to obtain restoration of lost benefits, the benefits shall be restored for a period of no more than twelve months from the date the court action was initiated. When the judicial action is a review of

a county agency action, the benefits shall be restored for a period of no more than twelve months from the first of the following dates:

- (a) The date the county agency receives a request for restoration; or
 - (b) When no request for restoration is received, the date the fair hearing action was initiated; but never more than ~~one year~~ twelve months from when the county agency is notified of, or discovers, the loss.
- (4) Have gained categorical eligibility. Assistance groups who gain categorical eligibility are entitled to restored benefits back to the date of the original ~~food assistance~~ SNAP application, the date it gained categorical eligibility, or the date categorical eligibility for the specific type of assistance group was created, whichever is later. To determine the prior months of eligibility and the date when restored benefits should begin, consult rule 5101:4-4-27 of the Administrative Code.
- (5) Have been found to be eligible for a restoration of benefits that were discovered by the agency. The county agency shall automatically take the necessary action to restore the benefits. No action by the assistance group is necessary. Benefits shall not be restored when the benefits were lost more than twelve months prior to the month the loss was discovered by the county agency in the normal course of business, or were lost more than twelve months prior to the month the county agency was notified in writing or orally of a possible loss to a specific assistance group.

The county agency shall notify the assistance group of its:

- (a) Entitlement to restored benefits;
 - (b) Amount of benefits to be restored;
 - (c) Any offsetting that was done;
 - (d) The method of restoration; and
 - (e) The right to appeal through the fair hearing process.
- (C) What are the specific timeframes for making a restoration?
- (1) County agencies shall issue restored benefits within thirty days from the date the lost benefits were discovered.

- (2) Restored benefits due under rule 5101:4-2-02 of the Administrative Code shall be restored to assistance groups that are categorically eligible within ten days after the discovery date.
- (3) When a restoration is ordered through a compliance as a result of a fair hearing decision, it shall be completed in accordance with division 5101:6 of the Administrative Code.

(D) When can a restoration be made?

Benefits can only be restored up to twelve months prior to whichever occurs first:

- (1) The date the county agency receives the request for a restoration from the assistance group; or
- (2) The date the county agency is notified or otherwise discovers that a loss to an assistance group has occurred.

(E) How are restorations tracked?

- (1) Each county shall maintain an accounting system for documenting an assistance group's eligibility for restored benefits and calculating the balance. At a minimum, the county agency shall use the JFS 07424, "Report of Claim Determination/Lost Benefits" (~~rev. 8/2001~~) form and stored in the case record.
- (2) The calculation of the restored benefit shall be documented and stored in the case record.
- (3) The county agency shall have a system in place that readily identifies outstanding claims against assistance groups so they can be offset against the restored benefit amount prior to issuing the restoration.

(F) How is eligibility determined for lost benefits?

The county agency shall determine when the assistance group was actually eligible for the month the loss occurred. In instances where there is insufficient information in the case record, the county agency shall advise the assistance group of what shall be provided to demonstrate eligibility for these months. For each month the assistance cannot provide the necessary information to demonstrate its eligibility, the assistance group shall be considered ineligible.

(G) How is the amount of the restoration determined?

After correcting the loss for future months and excluding those months for which benefits may have been lost prior to the twelve-month time limit, the county agency shall calculate the amount to be restored as follows:

- (1) Incorrect allotment - when the assistance group was eligible but received an incorrect allotment, the loss of benefits shall be calculated only for those months the assistance group participated.
 - (a) Under issuance - when the assistance group received a smaller allotment than it was eligible to receive, the difference between the actual and correct allotments equals the amount to be restored.
 - (b) Offsetting claims - when a claim against an assistance group is unpaid or terminated as provided in rule 5101:4-8-19 of the Administrative Code, the amount to be restored shall be offset against the amount due on the claim before the balance, if any, is restored to the assistance group. At the point in time the assistance group is certified and receives an initial allotment, the initial allotment shall not be reduced to offset claims, even when the initial allotment is paid retroactively.
- (2) Delay, denial, or termination - when the loss was caused by an incorrect delay, denial, or termination of benefits, the months affected by the loss shall be calculated as follows:
 - (a) Incorrect denial: when an eligible assistance group's application was incorrectly denied, the month the loss initially occurred shall be the month of application, or for an eligible assistance group filing a timely ~~reapplication~~ recertification, the month following the expiration of the certification period.
 - (b) Incorrect delay: when an eligible assistance group's application was delayed, the months for which benefits may be lost shall be calculated in accordance with procedures in ~~rule~~ rules 5101:4-2-01 and 5101:4-5-07 of the Administrative Code.
 - (c) Incorrect termination: when an assistance group's benefits were incorrectly terminated, the month the loss initially occurred shall be the first month benefits were not received as a result of the erroneous action.

(H) What are the payment methods of restoration?

There are two ways to issue a restoration of benefits:

- (1) Lump sum - the county agency shall restore lost benefits to an assistance group by issuing an allotment equal to the amount of benefits that were lost. The amount restored shall be issued in addition to the allotment the assistance group is currently eligible to receive.
- (2) Monthly installment - the county agency shall honor reasonable requests by assistance groups to restore lost benefits in monthly installments when, for example, the assistance groups fears the excess benefits may be stolen or that the amount to be restored is more than it can use in a reasonable period of time.

(I) What if the assistance group composition has changed since the benefit loss occurred?

When lost benefits are owed to an assistance group and the assistance group's membership has changed, the county agency shall restore the lost benefits to the assistance group containing a majority of the individuals who were assistance group members at the time the loss occurred. When the county agency cannot locate or determine the assistance group that contains a majority of assistance group members, the county agency shall restore the lost benefits to the assistance group containing the individual who was head of the assistance group at the time the error occurred.

(J) What happens when the assistance group disagrees with the determination of the restoration request or benefit amount?

When the assistance group does not agree with the county agency's decision regarding the lost benefits or with the amount of lost benefits computed by the county agency the following procedures apply:

- (1) When the assistance group does not agree with the amount to be restored as calculated by the county agency or any other action taken by the county agency to restore lost benefits, the assistance group may request a fair hearing within ninety days from the date the assistance group is notified of the entitlement to restoration of lost benefits. When a fair hearing is requested prior to or during the time lost benefits are being restored, the assistance group shall receive the lost benefits as determined by the county agency pending the results of the fair hearing. When the fair hearing decision is favorable to the assistance group, the county agency shall restore the lost benefits in accordance with that decision.
- (2) When an assistance group believes it is entitled to restoration of lost benefits, but the county agency does not agree, the assistance group has ninety days from the date of the county agency determination to request a fair hearing. The county agency shall restore lost benefits to the assistance group only when the fair hearing decision is favorable to the assistance group. Benefits lost more than

twelve months prior to the date the county agency was initially informed of the assistance group's possible entitlement to lost benefits shall not be restored.

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