



July 12, 2022

Food Assistance Transmittal Letter No. 434

TO: All Food Assistance Manual Holders

FROM: Matt Damschroder, Director

SUBJECT: Food Assistance: Elderly Simplified Application Project rules changes: establishing certification periods, reporting requirements during the certification period, and recertification

Ohio was approved by the United States Department of Agriculture (USDA) Food and Nutrition Services (FNS) to operate the Elderly Simplified Application Project (ESAP). As such, Ohio Administrative Code rules 5101:4-4-31, 5101:4-5-03, 5101:4-7-01, and 5101:4-7-07 are being amended to implement this change. ESAP will allow assistance groups where all adult members are elderly or disabled and the assistance group has no countable earned income to receive a 36-month certification period instead of the 24-month certification period that they are currently being assigned. The demonstration project will also allow the ESAP assistance group to include minor children. Additionally, the assistance group will be waived from the interim reporting requirement but will remain subject to all other simplified reporting requirements. However, when there is a case change processed that makes the assistance group no longer ESAP, the assistance group is to submit an interim report every six months.

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 8/1/2022.

Chapter 4000

5101:4-4-31 "Food assistance: anticipating income."

This rule describes how the county agency anticipates income and expenses for the purpose of determining supplemental nutrition assistance program (SNAP) eligibility and monthly benefit amount. Changes to this rule include replacing the reference to 24-month certification period in paragraph (P)(3)(c) and (P)(3)(d) by adding 36-month certification period.

Chapter 5000

5101:4-5-03 "Food assistance: establishing certification periods."

This rule describes how to establish certification periods for SNAP benefits. Changes to this rule include:

- Paragraph (C)(1) was amended to identify the elderly or disabled assistance group (ED AG);
- Language was added to paragraph (D) to clarify that when all adult assistance group members are elderly or disabled and the assistance group has no countable earned income the ED AG will be assigned a 36-month certification period. The assistance group may contain minor children, regardless of their disability status; and
- Repetitive language was removed from paragraph (F)(2) that is included in the cited administrative code.

Chapter 7000

5101:4-7-01 "Food assistance: reporting requirements during the certification period."

This rule describes the reporting requirements for assistance groups during the certification period. Changes to this rule include:

- Language was stricken from paragraph (B)(4) in reference to a 24-month certification period;
- Paragraph (B)(5) was added to state the Elderly or disabled assistance groups (ED AG) certified for 36-months do not have to submit an interim report. However, when there is a case change processed and the assistance groups is no longer an ED AG as described in 5101-4-5-03 of the administrative code, the assistance group is to submit an interim report every six months.
- Language was stricken from paragraph (H) in reference to a 24-month certification period and language has been added to reference the assistance group that is no longer determined to be an ED AG;
- Language was stricken from paragraph (H)(1) referencing an interim report being sent in the 11th month of certification;
- Paragraph (H)(1)(a) and (H)(1)(b) added to identify when interim reports would be sent;
- Language was stricken from paragraph (H)(2) and language has been added to state the completed interim reported must be received by the 15th day of the month that the interim report was issued;
- Language was stricken from paragraph (H)(3) and language has been added to state the completed interim report or reminder notice must be received by the end of the month that the interim report was issued; and

- Language was stricken from paragraph (H)(4) and language added to propose termination of benefits if a completed interim report or reminder notice has not been returned prior to the end of the month following the month that the interim report was issued.

5101:4-7-07 "Food assistance: recertification."

This rule describes the process for recertification of SNAP benefits. The change to this rule includes paragraph (D)(6) was removed since a 24-month certification period will no longer be assigned and yearly contact with the assistance group is not required. If an elderly or disabled assistance group is no longer ESAP, an interim report is to be issued in accordance with rule 5101:4-7-01 of the Administrative Code.

5101:4-4-31

Food assistance: anticipating income.**(A) What is the general standard for anticipating income?**

For the purpose of determining the supplemental nutrition assistance program (SNAP) assistance group's eligibility and monthly benefit, the county agency shall take into account the income already received by the assistance group during the certification period and any anticipated income the assistance group and the county agency are reasonably certain will be received during the remainder of the certification period. When the amount of income that will be received or when it will be received is uncertain, the county agency shall not count that portion of the assistance group's income that is uncertain. When the exact amount of the income is not known, that portion of it that is anticipated with reasonable certainty is considered income. In cases where the receipt of income is reasonably certain but the monthly amount may fluctuate, the county agency must average income.

(B) How is income anticipated?

Income received during the past thirty days shall be used as an indicator of the income that is and will be available to the assistance group during the certification period. However, the county agency shall not use past income as an indicator of income anticipated for the certification period if changes in income have occurred or can be anticipated. When income fluctuates to the extent that a thirty-day period alone cannot provide an accurate indication of anticipated income, the county agency and the assistance group may use a longer period of past time when it will provide an accurate indication of anticipated fluctuations in future income. Similarly, when the assistance group's income fluctuates seasonally, it may be appropriate to use the most recent season comparable to the certification period, rather than the last thirty days, as one indicator of anticipated income. The county agency shall exercise particular caution in using income from a past season as an indicator of income for the certification period. In many cases of seasonally fluctuating income, the income also fluctuates from one season in one year to the same season in the next year. However, in no event shall the county agency automatically attribute to the assistance group the amount of any past income. The county agency shall not use past income as an indicator of anticipated income when changes in income have occurred or can be anticipated during the certification period.

(C) When is income anticipated for the month received?

Income anticipated during the certification period shall be counted as income only in the month it is expected to be received, unless the income is averaged as described in paragraph (I) or (J) of this rule. Nonrecurring lump-sum payments are counted as a resource starting in the month received and not counted as income.

(D) How is income anticipated when an assistance group is steadily employed?

In cases where the assistance group name is steadily employed, income from the previous month is usually a good indicator of the amount of income that can be anticipated in the month of application and subsequent months. When information supplied by the assistance group or a collateral contact indicates that future income will differ from the previous month's income, the county agency will use such information to make a reasonable estimate of anticipated income. The method used to determine income shall be fully documented in the case file.

(E) How are hourly and piecework wages anticipated?

When income is received on an hourly wage or piecework basis, weekly income may fluctuate when the wage earner works less than eight hours some days or is required to work overtime on others. In this case the county agency should consult with the assistance group to determine the normal amount of income to be expected as a result of one week's work and when this is reasonably certain to be available during the certification period. This amount should be used to determine monthly income.

(F) Are withheld wages treated as income?

Wages held at the request of the employee shall be considered income to the assistance group in the month the wages would otherwise have been paid by the employer. However, wages held by the employer as a general practice, even when in violation of law, are not counted as income to the assistance group, unless the assistance group anticipates that it will ask for and receive an advance or that it will receive income from wages that were previously held by the employer as a general practice and were, therefore, not previously counted as income by the county agency. Advances on wages shall count as income in the month received only when reasonably anticipated.

(G) How is monthly or semimonthly income of varying amounts anticipated?

An assistance group receiving income on a recurring monthly or semimonthly basis shall not have its monthly income varied merely because of changes in mailing cycles or pay dates or because weekends or holidays cause additional payments to be received in a month.

(H) When should actual income be used instead of converted income?

When a full month's income is anticipated and income is received on a weekly or biweekly basis, the county agency shall determine monthly income by multiplying weekly amounts by 4.3 and biweekly amounts by 2.15. In one-month certifications, income on less than a monthly basis may be computed by using the actual income

that is to be received. When income that was received on a weekly or biweekly basis has stopped, actual income (not converted) is used.

(I) When is income averaged?

Except for destitute assistance groups, income received on a monthly basis but whose amount fluctuates from month-to-month and income received less often than monthly must be averaged. Income shall not be averaged for a destitute assistance group since doing so would result in assigning to the month of application income from future periods which is not available to the assistance group for its current food needs. To average income, the county agency shall use the assistance group's anticipation of income fluctuations over the certification period. (For example, an assistance group receives one hundred dollars every other month, fifty dollars per month income may be used.) The number of months used to arrive at the average income need not be the same as the number of months in the certification period. An average must be recalculated at recertification and in response to changes in income, in accordance with paragraph (K)(1) of rule 5101:4-7-01 of the Administrative Code, and the county agency shall inform the assistance group of the amount of income used to calculate the allotment. Conversion of income received weekly or biweekly in accordance with paragraph (H) of this rule does not constitute averaging.

(J) How is contract or self-employment income anticipated?

Assistance groups which, by contract or self-employment, derive their annual income in a period of time shorter than one year shall have that income averaged over a twelve-month period, provided the income from the contract is not received on an hourly or piecework basis. These assistance groups may include school employees, share croppers, farmers, and other self-employed assistance groups. However, these provisions do not apply to migrant or seasonal farm workers. Contract income which is not the assistance group's annual income and is not paid on an hourly or piecework basis shall be prorated over the period the income is intended to cover.

(K) What expenses are included in income deductions?

Deductible expenses include only the costs described in rule 5101:4-4-23 of the Administrative Code.

(L) What types of expenses are not allowed as deductions?

- (1) Any expense, in whole or in part, covered by educational income which is excluded income as defined in rule 5101:4-4-13 of the Administrative Code.
- (2) Any expense covered by excluded reimbursements as described in rule 5101:4-4-13 of the Administrative Code (including reimbursements under

employment and training programs) or vendor payments (except an energy assistance payment made under the Low Income Home Energy Assistance Act of 1981, as amended). For example, the portion of rent covered by excluded vendor payments is not calculated as part of the assistance group's shelter costs. In addition, an expense which is covered by an excluded vendor payment that has been converted to a direct cash payment under the approval of a federally authorized demonstration project are not deductible.

- (3) The portion of an allowable medical expense which is not reimbursable is to be included as part of the assistance group's medical expenses. When the assistance group reports an allowable medical expense at the time of certification but cannot provide verification at that time, and when the amount of the expense cannot be reasonably anticipated based upon available information about the recipient's medical condition and public or private medical insurance coverage, the assistance group is to have the nonreimbursable portion of the medical expense considered at the time the amount of the expense or reimbursement is reported and verified.
- (4) An utility expense which is reimbursed or paid by an excluded payment, including the department of housing and urban development (HUD) or the farmers home administration (FMHA) utility reimbursements as described in rule 5101:4-4-13 of the Administrative Code, are not deductible. Expenses are to only be deductible when the service is provided by someone outside of the assistance group and the assistance group is responsible for the expense. For example, a dependent care deduction is not allowed when another assistance group member provides the care, or compensation for the care is provided in the form of an in-kind benefit, such as food.

(M) When are billed expenses deducted?

Except as provided in paragraph (N) of this rule, 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 phrase "otherwise becomes due" is meant to provide for deductions in situations where regular billing statements are not issued but the expenses nevertheless become due each month as in most rental arrangements. All of the preceding applies regardless of when the assistance group intends to pay the expense. Amounts carried forward from past billing periods are not deductible even if included with the most recent billing and actually paid by the assistance group. In any event, a particular expense may only be deducted once. Past due bills, except in the situation of medical expenses awaiting reimbursement, shall not be deducted.

(N) How are expenses anticipated?

The county agency shall calculate an assistance group's expenses based on the expenses the assistance group expects to be billed for during the certification period. Anticipation of the expense shall be based on the most recent month's bills unless the assistance group is reasonably certain a change will occur. At certification and recertification, the assistance group shall report and verify all medical expenses. The assistance group's monthly medical deduction for the certification period shall be based on the information reported and verified by the assistance group, and any anticipated changes in the assistance group's medical expenses that can be reasonably expected to occur during the certification period based on available information about the recipient's medical condition, public or private insurance coverage, and current verified medical expenses. The assistance group shall not be required to report changes about its medical expenses during the certification period. When the assistance group voluntarily reports a change in its medical expenses, the county agency shall act upon the change in accordance with paragraph (K)(3) of rule 5101:4-7-01 of the Administrative Code when the change would increase the assistance group's allotment. In the case of a reported change that would decrease the assistance group's allotment, or make the assistance group ineligible, the county agency shall act on the change without first requiring verification in accordance with paragraph (K)(4) of rule 5101:4-7-01 of the Administrative Code.

(O) When should expenses be converted?

When the assistance group is billed more frequently than monthly for expenses, the county agency shall use the conversion procedure.

(P) How are expenses averaged?

Assistance groups may elect to have fluctuating monthly expenses deducted entirely in the month incurred or averaged.

(1) Averaging less frequent bills

Assistance groups may elect to have expenses that are billed less often than monthly treated as follows:

- (a) The entire expense may be deducted during the month the expense is billed or otherwise becomes due.
- (b) The expense may be averaged forward over the interval between scheduled billings.

- (c) When there is no scheduled interval between billings, the expense may be averaged forward over the period the expense is intended to cover.
- (d) Whether expenses are averaged forward between scheduled billings or averaged forward over the period the expense is intended to cover, deductions shall not be limited to the certification period in which the bill was received. When the expense is incurred on an ongoing basis, it may be deducted on an ongoing basis.
- (e) "One-time-only" expenses may be averaged over the entire certification period in which they are billed when they are verified at the time of certification.

(2) Averaging "one-time only" expenses excluding medical

Assistance groups reporting "one-time-only" expenses (excluding medical expenses) during their certification period may elect to have them treated as follows:

- (a) The total "one-time-only" expense may be deducted in the month it is billed, rather than have the expenses averaged; or
- (b) "One-time-only" expenses may be averaged over the certification period in which they were billed. For example, when the expense occurs during the fourth month of a six-month certification period, then only one-sixth of the expense can be deducted in each of the remaining two months. The other unused portion is lost. In these cases, it may be to the assistance group's advantage to have the total expense deducted in the month it is billed, rather than to have the expense averaged.

(3) Averaging medical expenses

Assistance groups reporting "one-time-only" medical expenses during their certification period may elect to have them treated as follows:

- (a) The total medical expense in excess of thirty-five dollars may be deducted for one month; or
- (b) The medical expense may be averaged forward over the remaining months of the certification period. When this option is chosen, only the amount in excess of thirty-five dollars each month may be deducted. Averaging shall begin the month the change becomes effective.

- (c) When an assistance group is certified for ~~twenty-four~~thirty-six months, the "one-time-only" medical expenses incurred during the first twelve month in excess of thirty-five dollars will be treated as follows:
- (i) The medical expense may be deducted for one month; or
 - (ii) The medical expense may be averaged over the remainder of the first twelve months of the certification period; or
 - (iii) The medical expense may be averaged forward over the remaining months of the certification period. Averaging is to begin the month the change becomes effective.
- (d) When an assistance group is certified for ~~twenty-four~~thirty-six months, the "one-time-only" medical expenses incurred after the first twelve months in excess of thirty-five dollars will be treated as follows:
- (i) The medical expense may be deducted for one month; or
 - (ii) The medical expense may be averaged forward over the remaining months of the certification period. Averaging is to begin the month the change becomes effective.

(Q) How is SNAP eligibility determined and how are the appropriate income standards applied?

Participation in SNAP shall be limited to those assistance groups whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet.

Assistance groups shall meet the gross and net income eligibility standards as described in this rule unless at least one member is elderly or disabled as defined in rule 5101:4-1-03 of the Administrative Code or the assistance group is considered categorically eligible. Assistance groups that contain an elderly or disabled member, but do not qualify for categorical eligibility, shall meet the net income eligibility standards. These assistance groups shall not have gross income compared to the gross income eligibility standards. An assistance group that is categorically eligible does not have to meet either the gross or the net income standard. All other assistance groups are subject to first the gross income test, and then the net income test. Assistance groups containing no elderly or disabled members must meet both test criteria in order to be determined eligible. When an assistance group contains a member who is fifty-nine years old on the date of application, but who will become sixty before the end of the month of application, the county agency shall determine the assistance group's income eligibility in accordance with paragraph (W) of this rule.

An assistance group containing a student with excluded income who turns eighteen during the month of application or during the certification period shall have its income eligibility determined in accordance with paragraph (G) of rule 5101:4-4-13 of the Administrative Code.

(R) How is gross monthly income calculated?

Except for assistance groups containing at least one member who is elderly or disabled as defined in rule 5101:4-1-03 of the Administrative Code, or considered categorically eligible, all assistance groups shall be subject to the gross income eligibility standard for the appropriate assistance group size. To determine the assistance group's total gross income, add the gross monthly income earned by all assistance group members and the total monthly unearned income of all assistance group members, minus income exclusions. When an assistance group has income from a farming operation (with gross proceeds of more than one thousand dollars per year) that operates at a loss, see rule 5101:4-6-11 of the Administrative Code. The total gross income is compared to the gross income eligibility standard for the appropriate assistance group size. When the total gross income is equal to or less than the standard, proceed with calculating the adjusted net income as described in paragraph (S) of this rule. When the total gross income is more than the standard, the assistance group is ineligible for program benefits and the case is either denied or terminated at this point.

(S) How is net monthly income calculated?

For assistance groups containing at least one member who is elderly or disabled as defined in rule 5101:4-1-03 of the Administrative Code, but are not categorically eligible, income eligibility is calculated as described in this paragraph. For assistance groups considered categorically eligible, the assistance group cannot be ineligible for the program because of excess income. Categorically eligible assistance groups have their net income determined as described in the following paragraphs, but do not have their net income compared to the net income standard prior to determining level of benefits. After determining net income, go directly to the "Basis of Coupon Issuance Tables" located in rule 5101:4-4-27 of the Administrative Code to determine the assistance group's allotment. For all other assistance groups who are determined eligible after applying the gross income eligibility test, net income eligibility is determined as described in this paragraph.

(1) Total gross income

Add the gross monthly income earned by all assistance group members and the total monthly unearned income of all assistance group members, minus earned income exclusions, to determine the assistance group's total gross income.

Net losses from the self-employment income of a farmer shall be offset in accordance with rule 5101:4-6-11 of the Administrative Code.

(2) Earned income deduction

Multiply the total gross monthly earned income by twenty per cent and subtract that amount from the total gross income.

(3) Standard deduction

Subtract the standard deduction.

(4) Excess medical deduction

When the assistance group is entitled to an excess medical deduction, determine if total medical expenses exceed thirty-five dollars. If so, subtract that portion which exceeds thirty-five dollars.

(5) Dependent care deduction

Subtract monthly dependent care expenses, if any.

(6) Legally obligated child support deduction

Subtract the allowable monthly child support payments in accordance with rule 5101:4-4-23 of the Administrative Code.

(7) Standard homeless shelter deduction

Subtract the standard homeless shelter deduction amount if any, when the assistance group is homeless and it incurs shelter costs during the month and has not claimed an excess shelter cost according to paragraph (S)(8) of this rule.

(8) Determining any excess shelter cost

Total the allowable shelter expenses to determine shelter costs, unless a deduction has been subtracted in accordance with paragraph (S)(7) of this rule. Subtract from total shelter costs fifty per cent of the assistance group's monthly income after all the above deductions have been subtracted. The remaining amount, if any, is the excess shelter cost. When there is no excess shelter cost, go to the next step.

(9) Applying any excess shelter cost

Subtract the excess shelter cost up to the maximum amount allowed (unless the assistance group is entitled to the full amount of its excess shelter expenses) from the assistance group's monthly income after all other applicable deductions. Assistance groups not subject to the shelter limitation shall have the full amount exceeding fifty per cent of their adjusted income subtracted. The assistance group's net monthly income has been determined.

(T) What is the rounding technique used when calculating monthly income?

In calculating gross income (both earned and unearned) the monthly amounts shall be rounded down to the nearest whole dollar by dropping all cents. All cents in gross weekly, biweekly, or semimonthly income shall be dropped before and after adding, dividing or multiplying. Hourly rates that contain cents are not rounded. However, because these procedures could result in a significant decrease in the medical and shelter expenses the assistance group may be entitled to use in determining excess medical and shelter costs, the individual costs used in paragraphs (S)(4) and (S)(8) of this rule shall be computed using exact dollars and cents. The cents will be dropped from the total medical and shelter costs prior to determining the medical and shelter deductions for the assistance group's net monthly income.

(U) What is the rounding technique used when calculating the monthly allotment?

In manually calculating monthly allotments as described in rule 5101:4-4-39 of the Administrative Code, after multiplying the net income by thirty per cent, the county agency shall round the product up to the next whole dollar when it ends in one through ninety-nine cents prior to subtracting that amount from the maximum SNAP allotment.

(V) What is the rounding technique used when calculating the initial month benefit?

The county agency shall determine initial benefits based on the day of the month assistance groups apply for benefits. In manually calculating the initial month's benefits, the county agency shall use the formula described in rule 5101:4-4-27 of the Administrative Code. When the result ends in one through ninety-nine cents, the county agency shall round the product down to the nearest lower whole dollar. When the computation results in an allotment of less than ten dollars, then no issuance shall be made for the initial month.

(W) What are the income standards for assistance groups subject to only the net income standard?

An assistance group that is not considered categorically eligible is subject to the following income standards prior to determining the level of benefits. An assistance

group that has a member who meets the definition of elderly or disabled, as described in rule 5101:4-1-03 of the Administrative Code, shall have its net monthly income, as calculated in this rule, compared to the monthly net income standard for the appropriate assistance group size to determine eligibility for the month. When the assistance group's net income exceeds the appropriate income standard, the assistance group is ineligible to participate in SNAP. When the assistance group's net income is equal to or less than the appropriate net income standard, the assistance group's level of benefits is determined, if otherwise eligible. Gross income is not an eligibility factor for these assistance group's gross income standard does not apply. An assistance group that is considered categorically eligible is not subject to either the gross or net income standard, and, therefore, paragraphs (W) and (X) of this rule are not applicable to a categorically eligible assistance group.

(X) What are the income standards for assistance groups subject to the gross and net income standards?

An assistance group which has no elderly or disabled member as described in rule 5101:4-1-03 of the Administrative Code shall have its gross monthly income, as calculated in accordance with this rule, compared to the monthly gross income eligibility standard for the appropriate assistance group size to determine eligibility for the month. When the assistance group's gross monthly income exceeds the appropriate income standard, the assistance group is ineligible to participate in SNAP. When the assistance group's gross monthly income is equal to or less than the standard for the appropriate assistance group size, the assistance group shall then have its net monthly income, as calculated in this rule, compared to the net monthly income eligibility standard for the appropriate assistance group size to determine eligibility for the month. When the assistance group's net income is equal to or less than the appropriate net income standard, the assistance group's level of benefits is determined, if otherwise eligible. When the gross income is more than the standard for the appropriate assistance group size, the assistance group is ineligible and the assistance group is either terminated or denied at that point.

(Y) How is income anticipated for destitute assistance groups?

For assistance groups considered destitute, the county agency shall determine an assistance group's eligibility by first applying the procedures contained in rule 5101:4-6-09 of the Administrative Code and then apply the appropriate income standard in accordance with paragraphs (W) and (X) of this rule, whichever is appropriate. For destitute assistance groups who apply after the fifteenth of the month and who have postponed submitting required verifications, refer to paragraph (G) of rule 5101:4-6-09 of the Administrative Code.

Effective: 8/1/2022

Five Year Review (FYR) Dates: 2/1/2026

CERTIFIED ELECTRONICALLY

Certification

07/07/2022

Date

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5101:4-5-03

Food assistance: establishing certification periods.

(A) What is a certification period?

A certification period is the amount of time an assistance group is authorized to receive supplemental nutrition assistance program (SNAP) benefits. The county agency shall certify each eligible assistance group for a definite period of time. The county agency shall not require an assistance group to report for an interview during their certification period.

(B) What is the first month of the certification period?

The first month of the certification period is the first month that the assistance group is eligible to participate including an initial month in which no benefit is issued due to the initial proration being less than ten dollars. The certification period cannot exceed a total of twelve months, except as specified in paragraph (C) of this rule.

(C) How long is the certification period?

At application or recertification the county agency shall assign the longest certification period possible based on the predictability of the assistance group's circumstances. Assistance groups shall be assigned a twelve month certification period unless an assistance group meets one of the following exceptions:

- (1) ~~When all assistance group members are elderly or disabled with no earned income~~ the The elderly or disabled assistance group's (ED AG) certification period is assigned in accordance with paragraph (D) of this rule; or
- (2) When the assistance group has unstable circumstances the certification period is to be assigned in accordance with paragraph (E) of this rule.

(D) How long should the certification period be for an ED AG~~when all assistance group members are elderly or disabled and have no earned income?~~

An ED AG is when All adult members of an assistance group that are elderly or disabled and the assistance group have has no countable earned income, the ED AG shall be certified for ~~twenty-four~~thirty-six months. The ED AG may include minor children, regardless of disability status.

(E) How long should the certification period be when the assistance group has unstable circumstances, anticipated changes or is a migrant or seasonal farm worker?

These assistance groups should be assigned certification periods consistent with their circumstances. The certification period options are four, five, six or twelve months when the assistance group has unstable circumstances such as:

- (1) An assistance group with zero net income;
- (2) An assistance group with an able-bodied adult without dependents (ABAWD) who has no countable earned income is to be assigned a certification period in accordance with rule 5101:4-3-20 of the Administrative Code.
- (3) Assistance groups that are homeless;
- (4) The assistance group anticipates changes that will make the assistance group ineligible for SNAP benefits in the near future; or
- (5) The assistance group contains a migrant or seasonal farm worker.

(F) When can SNAP benefits stop prior to the end of the certification period?

The county agency shall end an assistance group's benefits earlier than its certification expiration date when one of the following is true:

- (1) The county agency receives information that the assistance group has become ineligible;
- (2) The assistance group fails to return the interim report as set forth in rule 5101:4-7-01 of the Administrative Code ~~by the end of the sixth month for assistance groups with twelve month certification periods or the twelfth month for assistance groups with a twenty four month certification period;~~
- (3) The assistance group reports a change or fails to respond to a request for contact when information reported to the county agency is unclear in accordance with paragraph (J)(5) of rule 5101:4-7-01 of the Administrative Code. The county agency may also adjust the assistance group's benefit amount in response to a reported change.

(G) What notification is required when a certification period is ended earlier than the expiration date?

Prior notice of adverse action shall be provided by mail or personal delivery as described in rule 5101:6-2-04 of the Administrative Code unless the assistance group's situation meets one of the exceptions to the prior notice provisions as specified in rule 5101:6-2-05 of the Administrative Code.

(H) When can a certification period be aligned with certification periods for other public assistance programs?

- (1) When the assistance group applies for SNAP within a certification period for other public assistance programs, the SNAP certification period may be shortened to align with the certification dates already established.
- (2) When the assistance group is within a current certification for SNAP and applies for other public assistance programs, the SNAP certification date may be terminated early and a new certification period may be established. Prior notice of adverse action as described in paragraph (G) of this rule is not required when aligning certification periods.

Effective: 8/1/2022

Five Year Review (FYR) Dates: 10/1/2025

CERTIFIED ELECTRONICALLY

Certification

07/07/2022

Date

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5101:4-7-01 **Food assistance: reporting requirements during the certification period.**

(A) What is a reporting requirement?

Every assistance group receiving benefits must report certain changes that affect eligibility. Reporting requirements ensure an accurate benefit amount is received and that only assistance groups who remain eligible continue to receive benefits.

(B) What are the requirements for reporting changes?

- (1) Assistance groups shall report when their gross income exceeds one hundred thirty per cent of the monthly poverty income guideline for their assistance group size within ten days following the end of the month in which the change first occurred;
- (2) Able-bodied adults without dependents subject to the work requirements and time limit described in rule 5101:4-3-20 of the Administrative Code are required to report any changes in work hours that bring an individual below twenty hours per week or eighty hours per month, as defined in rule 5101:4-3-20 of the Administrative Code, within ten days following the end of the month in which the change first occurred;
- (3) Assistance groups are to report when any member of their assistance group wins substantial lottery or gambling winnings as defined in rule 5101:4-1-03 of the Administrative Code within ten days following the end of the month in which the change first occurred; and
- (4) All assistance groups are to submit an interim report prior to the end of the sixth month of a twelve month certification period ~~or prior to the end of the twelfth month of a twenty-four month certification period~~ as defined in paragraph (H) of this rule. Assistance groups certified six months or less, do not have to submit an interim report.
- (5) Elderly or disabled assistance groups (ED AG) certified for thirty-six months as described in rule 5101:4-5-03 of the Administrative Code do not have to submit an interim report. However, when there is a case change processed in accordance with paragraph (I) of this rule and they are no longer an ED AG, the assistance group is to submit an interim report every six months in accordance with paragraph (H) of this rule.

(C) How are changes reported?

The assistance group may report changes as follows:

- (1) By returning a JFS 04196, "Food Assistance Change Reporting": The county agency shall pay the postage for return of the form.
- (2) In person, electronically or over the telephone. The county agency shall use discretion in determining when further verification is necessary. These changes shall be acted on in the same manner as those reported on a change report form.

(D) When shall the county agency provide a change report form?

A change report form shall be provided to assistance groups at application, recertification upon request, and whenever the assistance group returns a change report form. The county agency can provide the form more often at its option.

(E) How does an assistance group know their reporting requirements?

Assistance groups will be advised of their reporting requirements on the notice of approval and/or notice of change at application, recertification or any time a change occurs and is reported.

(F) What must an applicant report during the application process?

- (1) Once the applicant submits an application, the applicant shall report any changes in the information on the application at the certification interview.
- (2) The applicant shall report all changes that occur after the certification interview but before receiving the notice of their eligibility, within ten days of the receipt of the notice.

(G) What are the reporting requirements when the application was taken at the local social security administration?

The county agency shall not impose any additional reporting requirements other than those listed in paragraph (B) of this rule. Assistance groups whose applications were taken by the social security administration are required to report all changes to the county department of job and family services.

(H) What is the interim report and how is it processed?

Assistance groups assigned a twelve ~~or twenty-four~~ month certification period or that have been assigned a thirty-six month certification period but are no longer an ED AG as described in rule 5101:4-5-03 of the Administrative Code shall be required to sign, complete, and submit a JFS 07221 "Cash and Food Assistance Interim Report" or a JFS 07223 "Cash and Food Assistance Interim Report Reminder Notice." The signature may be handwritten, electronic, or telephonic as described

in rule 5101:4-2-01 of the Administrative Code. The interim report will provide the county agency with updated information on the assistance group's circumstances.

(1) A JFS 07221 will be sent to the assistance group during ~~the fifth or eleventh month of certification, depending on the assistance group's certification period.;~~

(a) The fifth month of a twelve month certification period; or

(b) Month five, eleven, seventeen, twenty-three, and twenty-nine for assistance groups that are no longer ED AG unless there is less than six months in the certification period.

(2) When the county agency does not receive the completed interim report by the fifteenth day of the ~~fifth or eleventh month~~ that the interim report was issued of certification, depending on the assistance group's certification period, a JFS 07223 shall be sent to the assistance group.

(3) The assistance group shall return the completed interim report or reminder notice to the county agency prior to the end of the ~~fifth or eleventh month~~ that the interim report was issued ~~of certification, depending on the length of the certification period.~~

(4) The county agency shall propose termination of benefits for any assistance group who fails to return a signed and completed interim report or reminder notice by the end of the ~~sixth or twelfth month;~~ following the month that the interim report was issued ~~depending on the assistance group's certification period.~~

(5) When the assistance group fails to provide sufficient information or verification regarding a deductible expense indicated on the interim report, the county agency shall not terminate the assistance group, but instead shall determine the assistance group's supplemental nutrition assistance program (SNAP) benefits without regard to that deduction.

(6) The county agency shall reinstate benefits without a new application for any assistance group whose benefits have been terminated in accordance with paragraph (H)(4) of this rule when the county agency receives the interim report or reminder notice within thirty days of the closure date. The county agency shall prorate the assistance group's benefits beginning the day the report or reminder notice was returned.

(I) How does the county agency process changes?

(1) The county agency shall take action within ten days on all reported changes to determine when the change affects the assistance group's ongoing eligibility or

allotment. Reported changes include changes reported by the assistance group, changes considered verified upon receipt, and changes known to the county agency. Even when there is no change in the allotment, the county agency shall document the reported change in the case file, provide another change report form to the assistance group, and notify the assistance group of the receipt of the change report. When the reported change affects the assistance group's eligibility or level of benefits the adjustment shall also be reported to the assistance group.

- (2) The county agency shall also advise the assistance group of additional verification requirements, when any, and state that failure to provide verification shall result in the reduction or termination of benefits.
- (3) The county agency shall document the date a change is reported, which shall be the date the county agency receives a report form or is advised of the change over the telephone, electronically or by a personal visit.
- (4) Restoration of lost benefits shall be provided to any assistance group when the county agency fails to take action on a change that increases benefits within the time limits specified in paragraph (K)(3) of this rule.

(J) What are the verification requirements for changes?

- (1) Changes reported during the certification period are subject to the verification procedures described in rule 5101:4-2-09 of the Administrative Code. The county agency shall verify changes that result in an increase in an assistance group's benefits prior to taking action on these changes.
- (2) The assistance group must be allowed ten days to provide any mandatory verification. When the assistance group provides verification within this period, the county agency shall take action on the changes within the time periods described in paragraph (K)(3) or (K)(4) of this rule. The time periods shall begin from the date the change is reported, not from the date of verification.
- (3) When the assistance group fails to provide the required verification within ten days after the request date but does provide the verification at a later date, the time periods shall begin from the date verification is provided rather than from the date the change is reported.
- (4) In cases where the county agency has determined that an assistance group has refused to cooperate, the county agency shall terminate the assistance group's eligibility after issuing the notice of adverse action as described in rule 5101:6-2-04 of the Administrative Code.

- (5) During the certification period, the county agency may obtain information about changes in an assistance group's circumstances from which the county agency cannot readily determine the effect of the change on the assistance group's continued eligibility for SNAP, or in certain cases, the benefit amount. The county agency may receive unclear information from a third party or from the assistance group itself. Unclear information is information that is not verified, or information that is verified but the county agency needs additional information to act on the change.
- (a) The county agency shall verify the assistance group's circumstances by sending the assistance group a JFS 04219, "Request For Contact-Important Notice" or its computer-generated equivalent. The request for contact shall clearly advise the assistance group of the verification it must provide or the actions it must take to clarify its circumstances, notify the assistance group that it has at least ten days to respond and state the consequences when the assistance group fails to respond. The county agency shall follow the procedures set forth in rule 5101:4-2-09 of the Administrative Code to verify unclear information received during the certification period.
 - (b) When the assistance group responds to the request for contact and provides sufficient information, the county agency shall act on the new circumstances in accordance with paragraph (K) of this rule.
 - (c) When the assistance group does not respond to the request for contact, does respond but refuses to provide sufficient information to verify its circumstances, or the county agency is unable to obtain the necessary information by contacting the assistance group as identified in paragraph (J)(5) of this rule, the county agency shall propose termination of the SNAP benefits and a notice of adverse action shall be issued in accordance with rule 5101:6-2-04 of the Administrative Code.
- (6) During the certification period, the county agency may obtain information from a prisoner verification system or a deceased matching system that may affect an assistance group's circumstances or benefit amount.
- (a) When the unclear information received is a data match from a prisoner verification system or a deceased matching system, the county agency shall send the assistance group a JFS 04219 or the electronic equivalent. The request for contact shall clearly advise the assistance group of the match results and the verification it must provide or the actions it must take to clarify its circumstances, notify the assistance group that it has at

least ten days to respond and state the consequences when the assistance group fails to respond.

- (b) When the assistance group fails to respond to the request or does respond but refuses to provide sufficient information to clarify its circumstances, the county agency shall remove the individual subject to the match and the individual's income from the assistance group and adjust benefits accordingly. The county agency shall issue a notice of adverse action in accordance with rules 5101:6-2-04 and 5101:6-2-05 of the Administrative Code.

(K) What are the timeframes in which the county agency must act on a change?

- (1) Changes in income: When an assistance group reports a change in income, and the new circumstance is expected to continue for at least one month beyond the month in which the change is reported, the county agency shall act on the change in accordance with paragraphs (K)(3) and (K)(4) of this rule.
- (2) Changes in medical expenses: During the certification period the county agency shall not act on changes in the medical expenses that it learns of from a source other than the assistance group and that, in order to take action, require the county agency to contact the assistance group for verification. The county agency shall only act on those changes in medical expenses that it learns about from a source other than the assistance group when those changes are verified upon receipt and do not necessitate contact with the assistance group.
- (3) Changes that increase benefits:

For changes that result in an increase in benefits, the county agency shall make the change effective no later than the first allotment issued ten days after the date the change was reported to the county agency, unless reported after the twentieth of the month. In no event shall these changes take effect any later than the month following the month in which the change is reported. Therefore, when the change is reported after the twentieth of a month and it is too late for the county agency to adjust the following month's allotment, the county agency shall authorize supplemental benefits by the tenth calendar day of the following month, or the assistance group's normal issuance cycle in that month, whichever is later.

- (a) For example, an assistance group reporting a one hundred dollar decrease in income any time during May would have its June allotment increased. When the assistance group reports the change after the twentieth of May and it was too late for the county agency to adjust the allotment normally

issued on June first, the county agency would authorize a supplement for the amount of the increase by June tenth.

- (b) Exception: An assistance group reporting the theft of income normally received during the month is not entitled to additional SNAP benefits. It is the responsibility of the provider of the income to make whatever restitution that may be appropriate. The loss is not deducted from income to the assistance group nor is it counted as income when and/or when it is replaced.

(4) Changes that decrease benefits:

When the assistance group's benefit level decreases or the assistance group becomes ineligible as a result of the change, the county agency shall issue a notice of adverse action within ten days of the date the change was reported unless one of the exceptions to the notice of adverse action in rule 5101:6-2-05 of the Administrative Code applies. When a notice of adverse action is used the decrease in the benefit level shall be made effective with the allotment for the month following the month in which the notice of adverse action period has expired, provided a fair hearing and continuation of benefits have not been requested. When a notice of adverse action is not used due to one of the exceptions of rule 5101:6-2-05 of the Administrative Code, the decrease shall be made effective no later than the month following the change.

(L) When should a county agency reinstate benefits without a new application?

The county agency shall reinstate an assistance group's benefits without a new application when the assistance group returns requested mandatory verifications or takes a required action within thirty days after the SNAP closure date. Benefits shall be prorated from the date the verifications are returned or the required action was taken, following the procedure set forth in rule 5101:4-4-27 of the Administrative Code. However, when the eligibility factor is met or the required action is taken in the last month of the certification period or outside of a certification period, benefits cannot be reinstated. The county agency shall require the assistance group to complete a recertification.

(M) What happens when a county agency discovers an assistance group failed to report a change?

When the county agency discovers that the assistance group failed to report a required change and, as a result, received benefits to which it was not entitled, the county agency shall file a claim against the assistance group as set forth in rule 5101:4-8-15 of the Administrative Code. When the discovery is made within the certification period,

the assistance group is entitled to a notice of adverse action when its benefits are reduced or terminated. An assistance group shall not be held liable for a claim because of a change in assistance group circumstances that it is not required to report.

(N) What happens when a county agency learns that an assistance group has (or may have) moved?

- (1) When the assistance group has or may have moved outside the county or county collaboration where it is currently participating, the county agency where the participant is currently participating shall follow the procedures described in rule 5101:4-7-01.1 of the Administrative Code.
- (2) When the assistance group has had a change of address the county agency is to provide the assistance group with the JFS 07217, "Voter Registration Notice of Rights and Declination" and JFS 07200-VR, "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).
- (3) All other changes of residence shall be verified in accordance with this rule.

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5101:4-7-07

Food assistance: recertification.**(A) What is the recertification process?**

- (1) In accordance with rule 5101:4-5-03 of the Administrative Code, all supplemental nutrition assistance program (SNAP) assistance groups are assigned a certification period for which they are eligible. An assistance group may not participate beyond the expiration of its assigned certification period without a determination of eligibility for a new period. Assistance groups must apply for recertification and comply with interview and verification requirements.
- (2) The county agency shall collect sufficient information and necessary verifications to ensure an accurate determination of eligibility and benefits as described in rule 5101:4-2-09 of the Administrative Code.
- (3) Assistance groups are to receive the statewide automated eligibility system generated approval that contains websites that provide employment and training services when the assistance group:
 - (a) Contains a member that is subject to the work requirements;
 - (b) Contains at least one adult member;
 - (c) Contains no elderly or disabled members; and
 - (d) Has no earned income.
- (4) Assistance groups are to receive a written notice and an oral explanation of the specific work requirements each assistance group member is subject to in accordance with rule 5101:4-2-07 of the Administrative Code.
- (5) The recertification process shall only be utilized for an assistance group that applies for recertification prior to the end of its current certification period, except for delayed applications as specified in paragraphs (H)(5) and (H)(6) of this rule.
- (6) The county agency shall not recertify an assistance group without a signed application for recertification.

(B) How is an assistance group notified it is time for a recertification?

- (1) The county agency shall provide an assistance group certified for expedited benefits a notice of expiration at the time of certification.

- (2) All other certified assistance groups shall receive the statewide automated eligibility system generated notice of expiration between the first and last day of the month prior to the month the certification period ends.
- (C) What shall the assistance group provide to the county agency in order to establish an application date for recertification?
- (1) When the assistance group indicates that it wishes to establish a filing date for its recertification prior to its interview, the assistance group shall be provided a JFS 07200, "Application for Cash, Food, or Medical Assistance" or JFS 07204, "Application to Reapply for Cash and/or Food Assistance" and instructions to complete and submit the form. The assistance group shall be advised that the date of application for recertification will be established when the form is submitted with a name, address, and signature.
 - (2) The assistance group shall file an application for recertification using the JFS 07200, the JFS 07204, the electronic equivalent of the JFS 07200 or JFS 07204, or the telephonic equivalent of the JFS 07200 or JFS 07204.
 - (3) The assistance group shall be advised that the date of application for recertification will be established when the application is submitted with the minimum requirements of name, address, and signature as described in rule 5101:4-2-01 of the Administrative Code. When the completed application is received after business hours, the date of application shall be the next business day.
 - (4) When the statewide automated eligibility system is unavailable or a home visit is necessary, the county agency shall complete the JFS 01846, "Case Worksheet: Cash, Food Stamps and Medical Assistance Interview."
 - (5) When an interactive interview is conducted or a JFS 01846 was completed, the application date is established when the JFS 07200 or the JFS 07204 contains a name, address, and signature from an assistance group member or its authorized representative, and is received by the county agency.
- (D) Is an interview required at the time of recertification?
- (1) As part of the recertification process, the county agency shall conduct an interview with a member of the assistance group or its authorized representative. The standard interview practices in rule 5101:4-2-07 of the Administrative Code also apply to interviews for recertification.
 - (2) The county agency shall conduct a face-to-face interview or the telephonic equivalent. Telephone interviews may be conducted in lieu of a face-to-face interview unless the agency has determined the assistance group's situation

requires a face-to-face interview or the assistance group requests a face-to-face interview. The county agency shall grant a telephone interview to any assistance group that requests one.

- (3) When an interview is conducted but the assistance group does not submit an application for recertification, the county agency is to deny the recertification at that time or at the end of the certification period.
- (4) Upon request, the county agency shall provide the assistance group with the JFS 07501, "Program Enrollment and Benefit Information" and the JFS 04196, "Food Assistance Change Reporting."
- (5) The county agency is to notify the assistance group of the date the verification is to be returned. The assistance group is to be allowed a minimum of ten days to provide required verification information.
- ~~(6) For elderly or disabled assistance groups certified for twenty-four months, the county agency must have at least one contact with each elderly/disabled assistance group every twelve months. The JFS 07221, "SNAP Interim Report" and the JFS 07223, "SNAP Interim Report Reminder Notice" forms will serve as the contact.~~
- ~~(7)~~(6) County agencies shall schedule interviews so that the assistance group has at least ten days after the interview in which to provide verification before the certification period expires. When an assistance group misses its scheduled interview, the county agency shall send the assistance group a JFS 04218, "Notice Of Missed Interview."
 - (a) When an assistance group misses its scheduled interview and requests another interview, the county agency is to schedule a second interview as described in rule 5101:4-2-07 of the Administrative Code.
 - (b) When an assistance group does not request to reschedule the interview but has submitted an application for recertification, the county agency is to deny the recertification thirty days following the date the application is received.

(E) What shall be verified at recertification?

- (1) Information provided by the assistance group shall be verified in accordance with rule 5101:4-2-09 of the Administrative Code.
- (2) Any assistance group whose eligibility is not determined by the end of its current certification period due to the time period allowed for submitting any missing

verification shall receive an opportunity to participate, when eligible, within five working days after the assistance group submits the missing verification. Benefits shall not be prorated.

(F) When is an application for recertification considered timely?

- (1) An assistance group certified for expedited benefits shall have fifteen days from the date the notice of expiration is received to file for recertification timely.
- (2) Assistance groups, except those certified for expedited benefits, that submit an application for recertification by the fifteenth day of the last month of the certification period shall be considered to have made a timely application for recertification.
- (3) For assistance groups consisting of applicants or recipients of supplemental security income (SSI) that apply for SNAP recertification at the social security administration (SSA) office, the application shall be considered filed for normal processing purposes when the signed application is received by the SSA by the fifteenth day of the last month of the certification period.

(G) What are the processing timeframes for timely recertifications?

Assistance groups certified under normal processing standards are to be provided an opportunity to participate by the assistance group's normal issuance cycle in the month following the end of its current certification period. Assistance groups are to be notified of their eligibility or ineligibility by the end of their current certification period.

(H) What is delayed processing?

- (1) When an eligible assistance group files an application before the end of the certification period, but the recertification process cannot be completed within thirty days after the date of the application because of the county agency, the county agency must continue to process the case and provide a full month's allotment for the first month of the new certification period.
- (2) When an assistance group files an application before the end of the certification period, but fails to take a required action, the county agency may deny the case at that time, at the end of the certification period, or at the end of thirty days. Although the county agency may have the right to issue a denial prior to the end of the certification period, the assistance group has thirty days after the end of the certification period to complete the process and have its application treated as an application for recertification.

- (3) When the assistance group takes the required action before the end of the certification period, the county agency shall reopen the case and provide a full month's benefit for the initial month of the new certification period.
 - (4) When the assistance group takes the required action after the end of the certification period, but within thirty days after the end of the certification period, the county agency shall reopen the case and provide retroactive benefits to the date the assistance group took the required action.
 - (5) When an assistance group files an application within thirty days after the end of the certification period, the application shall be considered an application for recertification; however, benefits shall be prorated in accordance with rule 5101:4-4-27 of the Administrative Code and the application shall be processed within timeframes for processing initial applications as described in paragraph (J) of rule 5101:4-2-01 of the Administrative Code.
 - (6) When an assistance group's application for recertification is delayed beyond the first of the month of what would have been its new certification period through the fault of the county agency, the county agency shall provide restored benefits back to the date the assistance group's certification period should have begun.
 - (7) The county agency shall determine cause for any delay in processing an application for recertification in accordance with the provisions of rule 5101:4-5-07 of the Administrative Code.
- (I) Do the expedited service provisions apply at recertification?
- (1) The expedited service provisions of rule 5101:4-6-09 of the Administrative Code are not applicable when the assistance group applies for recertification before the end of its current certification period.
 - (2) When the date of application for recertification is after the certification period has expired, the assistance group may be entitled to expedited services when the assistance group's circumstances fall within the expedited criteria in accordance with rule 5101:4-6-09 of the Administrative Code.
 - (3) Assistance groups that are certified for expedited benefits are to be notified of their eligibility within twenty-four hours or seven days depending on the expedited services for which they qualify.

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