

## MEMORANDUM

**TO:** Germane Joint Subcommittees -  
Senate Health & Welfare  
House Health & Welfare

**FROM:** Legislative Services Office - Paige Alan Parker

**DATE:** February 24, 2009

**SUBJECT:** Rules Governing the Food Stamp Program in Idaho  
(Docket #16-0304-0901) TEMPORARY RULE

This temporary rule was not reviewed by this office. It is being sent to you for your information only. Thank you.

Enclosure

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.03.04 - RULES GOVERNING THE FOOD STAMP PROGRAM IN IDAHO**

**DOCKET NO. 16-0304-0901**

**NOTICE OF RULEMAKING - TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is January 1, 2009.

**AUTHORITY:** In compliance with Section 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule. The action is authorized pursuant to Section 56-203, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

Idaho's current Food Stamp rule, regarding how the Department acts on changes in expenses when a family relocates to a new residence, is out of compliance with federal regulations. Food and Nutrition Services, the federal entity that oversees the program, is requiring that Idaho change its rule to meet federal regulations. This rule change must be in effect on January 1, 2009.

When "Change Reporting Households" experience a change in their housing cost because of relocating, that new expense must be used in the calculation of the food stamp benefit. This rule change applies to approximately 30% of the Food Stamp caseload. This change in rule may reduce benefits for some households and may increase benefits for other households.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

A Federal mandate requires this change in rule.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: NA

**FISCAL IMPACT:** The following is a specific description, if applicable, of any fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no fiscal impact to the state general fund due to this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary rule, contact Rosie Andueza at (208) 334-5553.

DATED this 4th day of February, 2009.

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0304-0901**

**501. INITIAL CHANGES IN FOOD STAMP CASE.**

Act on changes in household circumstances found during the application or the initial interview. (6-1-94)

**01. Anticipated Changes.** A household can be eligible in the application month, but not eligible the month after the application month because of expected changes in circumstances. The household may not be eligible for the application month, but eligible for the next month. The same application form is used for the denial and the next month's eligibility determination. (6-1-94)

**02. Food Stamps for the Application Month.** The household's Food Stamp issuance for the application month may differ from its issuance in later months. (6-1-94)

**03. Food Stamp Issuance Changes.** The Department will make changes to the household's Food Stamp issuance when it is required to act on a change. (3-30-07)

**04. Change Before Certification.** If a household reports a change in household circumstances before certification and the Department can act on the change, include the reported information in determining Food Stamp eligibility and amount. (6-1-94)

**05. Change After Certification.** If a household reports a change after the initial Food Stamp benefit has been paid, the Department must act on the change if it was required to be reported or would increase the household's Food Stamp benefits under these rules. Changes in the household's expenses will not be acted upon until recertification with the exception of changes in shelter and utility expenses for change reporting households that move. Notice of the change must be given to the Food Stamp household. ~~(4-6-05)~~(1-1-09)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**601. REPORTING REQUIREMENTS AND RESPONSIBILITIES.**

The household must report and verify changes in circumstances based on the requirements for the reporting group to which the household is assigned. Changes may be reported by phone, by mail, or directly to the Department. Households must report as follows: (4-6-05)

**01. Change Reporting (CR) Households.** Change reporting households must report the following: (4-11-06)

**a.** Unearned income changes of more than fifty dollars (\$50); (4-6-05)

**b.** Earned income changes of more than one hundred dollars (\$100); (4-6-05)

**c.** Address changes and new shelter and utility expenses related to a change in address; ~~(4-11-06)~~(1-1-09)T

**d.** Changes in household composition; and (4-6-05)

**e.** When resources exceed the resource limit. (4-6-05)

**02. Simplified Reporting (SR) Households.** Simplified reporting households must report the following: (4-6-05)

**a.** When the household's total gross income exceeds one hundred thirty percent (130%) of the Federal Poverty Guideline (FPG) for the household size; (4-6-05)

**b.** Any change of address; and (4-11-06)

**c.** A decrease in ABAWD hours to less than eighty (80) hours per month. (4-6-05)

**(BREAK IN CONTINUITY OF SECTIONS)**

**613. CHANGES ON WHICH THE DEPARTMENT MUST ACT.**

**01. General Changes on Which Department Must Act.** Regardless of whether the Food Stamp Benefit will increase or decrease, the Department must act as described in Sections 616, 617, and 618 of these rules when: ~~(4-11-06)~~(1-1-09)T

- a. The household requests closure; (4-6-05)
- b. The TAFI or AABD grant amount changes; (4-6-05)
- c. An individual is sanctioned or disqualified; (4-6-05)
- d. The change would cause prohibited participation, see Section 219 of these rules; (4-11-06)
- e. Information is received from a source the Department has defined as verified upon receipt in Section 012 of these rules; (4-11-06)
- f. The change is required to be reported and the change is expected to continue into the next month; (4-6-05)
- g. The Food Stamp benefit will increase and the change is not a change in expenses with the exception of new shelter and utility expenses for change reporting households that move; ~~(4-11-06)~~(1-1-09)T
- h. There is a change of address; or (4-11-06)
- i. All members of the household move out of the state of Idaho. (4-6-05)

**02. Changes Resulting in an Increase in the Food Stamp Benefit.** The Department must also act on changes that have been reported that would increase the household's Food Stamp amount as described in Section 616 and 617 of these rules. ~~(4-11-06)~~(1-1-09)T

**03. Documentation.** Changes must be documented in the case record, even if there is no change in the Food Stamp amount. (6-1-94)

**04. Change Report Form.** A new Change Report Form (HW 0594 or HW 0586) must be given or sent to the household when a change is reported. (6-1-94)

**05. Receipt of Report Notice.** The Department must notify the household when the report is received. A Notice of Decision meets this requirement, when notifying the household of a benefit determination. (6-1-94)

**06. Proof.** Give the household a written request for proof. The household must be told failure to provide the proof will result in decreased or stopped benefits. The Department must document how the request for proof was made. (3-15-02)

**07. Unclear Information.** If the Department is unable to readily determine the effect of a change on the household's benefit amount, the Department will issue a written request advising the household of proof it must provide or actions it must take, to clarify its circumstances. The household has ten (10) days in which to respond to the Department's request, either by telephone or correspondence. (4-6-05)

**614. ~~(RESERVED)~~ CHANGES IN EXPENSES FOR CHANGE REPORTING HOUSEHOLDS.**

**01. Change of Address.** A change reporting household that reports a change of address will be required to provide proof of the new shelter and utility expenses related to the change in address. The Department

will adjust the Food Stamp benefit regardless of whether the new shelter and utility expenses would cause the Food Stamp benefit to increase or decrease. If the new shelter and utility expenses are not verified, no shelter and utility expenses will be allowed in the calculation of the Food Stamp benefit. (1-1-09)T

**02. Change in Dependent Care, Child Support, Medical Expenses, or Shelter or Utility Costs at the Same Address.** A change reporting household reporting a change in dependent care, child support, medical expenses, or shelter or utility expenses at the same address will not be required to provide proof of the change until recertification or the twelve-month contact. The Department will not adjust the Food Stamp benefit during the certification period regardless of whether the change in these expenses would cause the Food Stamp benefit to increase or decrease. (1-1-09)T

**615. CHANGES IN SHELTER, DEPENDENT CARE, CHILD SUPPORT OR MEDICAL EXPENSES FOR SIMPLIFIED REPORTING HOUSEHOLDS.**

*Regardless of the reporting group to which it belongs, a* A simplified reporting household reporting a change in shelter, utility, dependent care, child support, or medical expenses will be not be required to provide proof of the change until recertification or the twelve (12) month contact. The Department will not adjust the Food Stamp benefit during the certification period regardless of whether the change in expenses would cause the Food Stamp benefit to increase or decrease. (~~4-11-06~~)(1-1-09)T

**616. ~~(RESERVED)~~ INCREASES IN FOOD STAMP BENEFITS FOR CHANGE REPORTING HOUSEHOLDS.**

**01. Change Reporting Household Reports a Change.** If the change reporting household reports a change, other than a change to the expenses, that results in an increase in food stamps and the proof cannot be obtained through interfaces or data brokers, the Department must allow the household ten (10) days to provide proof. (1-1-09)T

**02. Failure to Provide Proof of Change.** If the household fails to provide proof of a change that would increase the benefit level, the food stamp benefit remains at the amount already established. An exception to this rule is made for shelter and utility expenses related to a change of address. The household must verify, and the Department must act upon, the new shelter and utility expenses. If the new shelter and utility expenses are not verified, no shelter and utility expenses will be allowed in the calculation of the Food Stamp benefit. (1-1-09)T

**03. Proof Provided Within Ten Days.** If the household provides proof within ten (10) days of reporting the change, the Department will increase the Food Stamp benefits beginning the month immediately following the month in which the change was reported. For changes reported after the 20th of the month, a supplement is issued for the next month no later than the 10th of the next month. If the change is reported and verified after the final date to adjust Food Stamp benefits for the following month in the Department's automated eligibility system, the change to the Food Stamp benefits must be made by the following month, even if a supplement must be issued. (1-1-09)T

**04. Proof Not Provided Within Ten Days.** If the household fails to provide proof within ten (10) days of reporting the change, but provides proof later, benefits are increased the month after the proof of the change is provided. (1-1-09)T

**617. INCREASES IN FOOD STAMP BENEFITS FOR SIMPLIFIED REPORTING HOUSEHOLDS.**

**01. Simplified Reporting Household Reports a Change.** If a simplified reporting household reports a change, other than a change to expenses, that results in an increase in Food Stamps and the proof cannot be obtained through interfaces or data brokers, the Department must allow the household ten (10) days to provide proof. *The increase must be handled as follows regardless of the reporting requirement.* (1-1-09)T

**02. Failure to Provide Proof of Change.** If the household fails to provide proof of a change that would increase the benefit level, the Food Stamp benefit remains at the amount already established. (~~4-11-06~~)(1-1-09)T

**043. Proof Provided Within Ten Days.** If the household provides proof within ten (10) days of

reporting the change, the Department will increase the Food Stamp benefits beginning the month immediately following the month in which the change was reported. For changes reported after the 20th of the month, a supplement is issued for the next month no later than the 10th of the next month. If the change is reported and verified after the final date to adjust Food Stamp benefits for the following month in the Department's automated eligibility system, the change to the Food Stamp benefits must be made by the following month, even if a supplement must be issued. (4-11-06)

**024. Proof Not Provided Within Ten Days.** If the household fails to provide proof within ten (10) days of reporting the change, but ~~shows~~ provides proof later, benefits are increased the month after the proof of the change is provided. (~~4-11-06~~)(1-1-09)T

**618. DECREASES IN FOOD STAMP BENEFITS.**

If a change that is required to be reported results in a decrease in Food Stamp benefits, and proof is required, the ~~Department change~~ must be verified and take action within ten (10) days of the date the change was reported. If the household fails to provide proof within ten (10) days, the Food Stamp case must be closed with timely notice. ~~The notice must explain the reason for the action.~~ An exception to this rule is if the change involves a shelter and utility expense for a change reporting household that has moved and the change is not verified, the case will not be closed. Instead, no shelter and utility expenses will be allowed in the calculation of the Food Stamp benefit. If the household then provides proof before the first day of the month the case would close, benefits must be continued, adjusted, or ended as appropriate. The Department must give adequate notice to adjust or end benefits. (~~4-11-06~~)(1-1-09)T