

Dear Senators LODGE, Broadsword & LeFavour, and
Representatives BLOCK, Nielsen & Rusche:

The Legislative Services Office, Research and Legislation, has received the enclosed
rules of the Dept. Of Health & Welfare:

IDAPA 16.03.04 - Rules Governing the Food Stamp Program

(Docket #16-0304-0901);

16.03.04 - Rules Governing the Food Stamp Program

(Docket #16-0304-0903).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 9-16-09. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 10-14-09.

_____The germane joint subcommittee may request a statement of economic impact with respect to a proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement, and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has been held.

To notify Research and Legislation, call 334-2475, or send a written request to the address or FAX number indicated on the memorandum enclosed.

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee

FROM: Research & Legislation Staff - Paige Alan Parker

DATE: August 26, 2009

SUBJECT: Department of Health and Welfare - IDAPA 16.03.04 - Rules Governing the Food Stamp Program (Docket No. 16-0304-0901) (Rescission of Temporary Rule), and Docket No. 16-0304-0903) (Temporary and Proposed).

According to the Department, both the rescission of the temporary rule (Docket No. 16-0304-0901) and the temporary and proposed rule (Docket No. 16-0304-0903), rules governing the Food Stamp Program, are authorized by section 56-203, Idaho Code. In addition, the temporary and proposed rule is said to be authorized by the Afghan Allies Protection Act of 2009, Public Law 111-8, Subsection 602(b)(8); the 2008 Federal Farm Bill, Public Law 110-234, section 4105; 7 CFR 273.9(d)(3)(x) re attendant meals deduction; and 7 CFR 273.9(d)(6)(ii) re Telephone Utility Allowance.

Section 56-203, Idaho Code, provides a listing of the Department's powers, including cooperation with the federal government in carrying out the purposes of any federal acts pertaining to public assistance or welfare services. The Department's general rulemaking authority is granted in section 202(b), Idaho Code.

Section 602(b)(8) of the Afghan Allies Protection Act of 2000 provides eligibility for Afghan citizens or nationals who have been granted special immigrant status for resettlement assistance, entitlement programs and other refugee benefits for a period not to exceed eight months.

The 2008 Federal Farm Bill became law on May 22, 2008, following the Congress override of President George Bush's veto. Section 4105, cited by the Department, amends section 2015(c)(1)(A) of the Food and Nutrition Act of 2008, dealing with facilitating simplified

reporting, by restricting states from imposing reporting requirements for periods less than four months for migrant or seasonal farmworker households, households in which all members are

homeless individuals, or households that have no earned income and in which all adult members are elderly or disabled.

Section 273.9(d)(3)(x) of CFR title 7 provides for an income deduction for the excess medical costs of maintaining an attendant, homemaker, home health aide or child care services, housekeeper, necessary due to age, infirmity or illness. In addition, the provision allows for a deduction of an amount equal to the one person coupon allotment if the household furnishes the majority of the attendant's meals. Section 273.9(d)(6)(ii)© of CFR title 7 provides for a excess monthly shelter deduction in excess of 50 percent of the household's income after all other income deductions have been allowed. This deduction is limited to cost of fuel for heating, cooling, electricity or fuel used for purposes other than heating or cooling, sewerage, well installation and maintenance, septic tank system installation and maintenance, garbage and trash collection, all service fees required to provide service for one telephone and fees charged by the utility provider for initial installation of the utility. These CFR sections do not appear to have been recently amended.

The Department's justifications for this rulemaking include simplifying reporting requirements for household that have all elderly or disabled members, updating the meals deduction for attendants of elderly or disabled food stamp participants, adding the telephone utility allowance since many households have phone services as their only utility, updating references to the current Farm Bill, adding the citations from the CFR for the formula used in the eligibility system for prorating food stamp benefits, and clarifying the existing text.

The Governor's justifications for the temporary rule are to comply with deadlines in amendments to governing law and to confer a benefit to Food Stamp participants. Portions of the temporary rule dealing with Afghan and Iraq refugee status went into effect on March 11, 2009; the remainder of the temporary rules will become effective on October 1, 2009.

According to the Department, no fee or charge is imposed by the temporary and proposed rule. The Department states that there is no anticipated impact to the general fund as a result of the temporary and proposed rule, since the Food Stamp Program is federally funded and since the necessary programming changes to the new eligibility system have been funded and made. The Department did not undertake negotiated rulemaking because the changes are being made to align with changes in federal statute and the CFR and to confer benefits on food stamp participants. The Department states that public hearings will be scheduled if requested in writing by 25 persons, a political subdivision or an agency, not later than September 16, 2009. The Department states that all written comments must be delivered to the Department on or before September 23, 2009.

ANALYSIS

A. Docket No. 16-0304-0901 (Rescission of Temporary Rule)

The Department states that it is rescinding the temporary rule, published under Docket No. 16-0304-0901 in March of this year and made effective back to January first of this year, because it is implementing different policies based on the federal code and because the temporary rules are no longer valid. The Department does not point to a change in the federal code that would invalidate the rescinded temporary rule.

The now rescinded temporary rule published under Docket No. 16-0304-0901 dealt with how the Department acts on changes in expenses when a family relocates to a new residence.

B. Docket No. 16-0304-0903 (Temporary and Proposed Rule)

The temporary and proposed rule modifies the chapter's definitions by deleting definitions for "change reporting household," "Farm Bill," and "simplified reporting household"; adding definitions for "extended certification household" (one in which all members are elderly or disabled and no one has earned income) and "telephone utility allowance" (a utility deduction given to a food stamp household that has a cost for telephone services and no other utility); and amending the definition of "minimum utility allowance" (a utility deduction given to a food stamp household that has cost for one utility that is not heating, cooling or telephone). Sections 010, 011 and 012.

The temporary and proposed rule eliminates some of the public law references in support of its citizenship and qualified non-citizen requirements and notes that special immigrants from Iraq and Afghanistan have limited eligibility pursuant to public law. Section 204. This temporary rule went into effect on March 11th. The authority for limited eligibility of Iraq special immigrants is cited as Public Law 110-161 [121 STAT 2212] and Public Law 110-181 [122 STAT 395].

The elimination of the distinction between change reporting households and simplified reporting households is reflected in the deletion of former section 221 and the modification of former section 222. In addition to the determination made at application and at recertification, house composition is determined at twelve-month contact and when a reported change in household members would result in an increase in food stamp benefits. New section 221

Ten day reporting periods of lump sum payments for change reporting households are eliminated in section 323 of the temporary and proposed rule, as is noneligibility for food stamps when a lump sum and other resources exceed the resource limit. Instead, resource changes must be reported at each certification or twelve month contact. Reporting requirements for cash on hand, stocks, bonds, money in financial institutions and a vehicle are eliminated under the

temporary and proposed rule. Section 389. As temporary rules, these changes are effective on October 1st.

The temporary and proposed rule provides for a deduction equal to the maximum food stamp allotment for a one person household per month (in place of a fixed \$119 deduction) if the household provides most of the attendant's meals. Section 536.14. A telephone utility allowance (TUA) is included within the list of the one utility allowance available to a household. Section 542.07. This TUA is included in the calculation of the shelter deduction under section 543. In order to qualify as a TUA, the household must be billed for telephone service and have no other verified utility expenses. Section 543.04. A minimum utility allowance must exclude a telephone service. Section 543.03.

Rather than setting forth the process for prorating the food stamp amount, the temporary and proposed rule cites to the CFR. Section 563. The food stamps available to categorically eligible households with one or two household members has been changed from at least \$10 to at least eight percent of the maximum monthly one person allotment. Section 565. Again, the "simplified reporting households" classification is eliminated regarding changed household composition at section 573. Regarding changes in household composition due to student status, the temporary and proposed rule provides that an increase in food stamp benefit begins the month after the proof is provided and a decrease in the food stamp benefit is effective at the next recertification or twelve month contact. Existing reporting requirements regarding students are deleted. Section 575.

A certification period may be assigned at the time of twelve month contact. Households are assigned a six month certification period unless they meet the criteria for a twenty-four month extended certification period. Section 576. The twenty-four month extended certification period may be lost and a six month certification period imposed if the criteria for the extended period is no longer met. Section 577.

Reporting of changes may be by e-mail. The distinction between and reporting requirements for change reporting households and simplified reporting households are deleted. Sections 601 and 611. Required changes must be reported by the household to the Department by the tenth day of the month in which the change occurred. A change report form must be given to the household at the twelve month contact. Section 611.

Change of address no longer triggers action by the Department. Section 613.01. A change in utility does not require proof of change until recertification or the twelve month contact. Section 615. The ten day time limit in which the Department is required to act (and verify) in the event a change results in a decrease in food stamp benefits is deleted, along with the food stamp case closure penalty in the event a household fails to provide proof within ten days. Timely notice of Department action is required. Section 618.

The movement of people in and out of the household is not required to be reported. The reporting of such information is encouraged under the temporary and proposed rule. Section 852.

SUMMARY

The temporary and proposed rule appears to be authorized by sections 56-202(b) and 56-203(b), Idaho Code.

cc: Department of Health and Welfare
Tamara Prisock and Darlene Rydalch

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 RESCISSION OF TEMPORARY RULE

EFFECTIVE DATE FOR RESCISSION OF TEMPORARY RULE: The effective date of the rescission of the temporary rule is October 1, 2009.

AUTHORITY: In compliance with Section 67-5221 and 67-5226, Idaho Code, notice is hereby given that this agency has rescinded the temporary rule previously adopted under this docket. The action is authorized under Section 56-203, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for rescinding the temporary rule:

The temporary rule adopted by the Department under Docket No. 16-0304-0901 and published in the March 4, 2009, Idaho Administrative Bulletin, Volume 09-03, pages 50 through 54, is hereby rescinded, effective October 1, 2009. The Department is implementing different policies based on federal code and these rules are no longer valid.

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 rescission of this temporary rule, contact Darlene Rydalch at (208) 528-5811.

DATED this 17th day of August, 2009.

Tamara Prisock
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450 W. State Street - 10th Floor
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IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.04 - RULES GOVERNING THE FOOD STAMP PROGRAM IN IDAHO
DOCKET NO. 16-0304-0903
NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective dates of the temporary rule are March 11, 2009, and October 1, 2009.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 56-203, Idaho Code; also Public Law 111-8, Subsection 602(b)(8), "Afghan Allies Protection Act of 2009"; 2008 Federal Farm Bill, P.L. 110-234, Section 4105 "State Option to Expand Simplified Reporting"; 7 CFR 273.9(d)(3)(x) re: attendant meals deduction; and 7 CFR 273.9(d)(6)(ii)(C) re: Telephone Utility Allowance.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 16, 2009.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

A reference to Public Law 111-8, "Afghan Allies Protection Act of 2009," is being added to this chapter to align it with recent changes in federal statute. The effect of this addition will be to extend Afghani immigrant benefits from six months to eight months.

In addition, the following changes are being made to the chapter:

1. Reporting requirements for households that have all elderly or disabled members are being simplified. This will make reporting easier for participants, improve program compliance, reduce errors, and save Department staff time.
2. The meals deduction for attendants of elderly or disabled Food Stamp participants is no longer correct and is being updated. Making this correction will help elderly and disabled participants get the correct deduction counted against their income and help the Department avoid quality control errors.
3. The Department's new eligibility system makes provision for a 4th utility allowance category - the Telephone Utility Allowance (TUA). The TUA is being added to these rules since many households have phone services as their only utility expense. Currently, they receive no utility deduction, so adding the TUA will allow them to receive some credit for this type of expense.
4. The definition of the Farm Bill mentions the year 2002, but as the Farm Bill is reauthorized approximately every 5 years this is outdated; therefore, a more generic definition is being added to replace it.
5. The citation from CFR for the formula used in the new eligibility system for prorating Food Stamps benefits is being added.
6. Also, other minor corrections and changes are being made to clarify existing text.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(b and c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate since some of the changes are being made to comply with deadlines in amendments to governing law or federal programs; some changes also confer benefits to food stamp participants.

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 impact to the state general fund as a result of this rulemaking. Food stamp benefits are 100% federally-funded. The necessary programming changes to the new eligibility system (IBES) have already been made and were funded as part of the EPICS Replacement Project.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because the rule changes are being made to align with changes in federal statute and the Code of Federal Regulations (CFR) and to confer benefits to food stamp participants.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Darlene Rydalch at (208) 528-5811.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before Wednesday, September 23, 2009.

DATED this 20th day of July, 2009.

Tamara Prisock
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THE FOLLOWING IS THE TEMPORARY AND PROPOSED TEXT FOR DOCKET NO. 16-0304-0903

010. DEFINITIONS A THROUGH D.

For the Food Stamp Program, the following definitions apply: (4-11-06)

01. Adequate Notice. Notice a household must receive on or before the first day of the month an action by the Department is effective. (4-6-05)

02. Administrative Error Claim. A claim resulting from an overissuance caused by the Department's action or failure to act. (6-1-94)

03. Aid to the Aged, Blind and Disabled (AABD). Cash, excluding in-kind assistance, financed by federal, state or local government and provided to cover living expenses or other basic needs. (4-11-06)

04. Applicant. A person applying for Food Stamps. (6-1-94)

05. Application for Participation. The application form filed by the head of the household or

authorized representative. (6-1-94)

06. Application for Recertification. When a household applies for recertification within thirty (30) days of the end of the certification period, it is considered an application for recertification even if a partial month of benefits is received. (4-11-06)

07. Authorized Representative. A person designated by the household to act on behalf of the household to apply for or receive and use Food Stamps. Authorized representatives include private nonprofit organizations or institutions conducting a drug addiction or alcoholic treatment and rehabilitation center acting for center residents. Authorized representatives include group living arrangement centers acting for center residents. Authorized representatives include battered women's and children's shelters acting for the shelters' residents. Homeless meal providers may not be authorized representatives for homeless Food Stamp recipients. (4-11-06)

08. Battered Women and Children's Shelter. A shelter for battered women and children which is a public or private nonprofit residential facility. If the facility serves others, a portion of the facility must be set aside on a long-term basis to serve only battered women and children. (6-1-94)

09. Boarder. Any person or group to whom a household, other than a commercial boarding house, furnishes meals and lodging in exchange for an amount equal to or greater than the thrifty food plan. Children, parents and spouses in a household must not be treated as boarders. (6-1-94)

10. Boarding House. A licensed commercial enterprise offering meals and lodging for payment to make a profit. (6-1-94)

11. Categorical Eligibility. There are two (2) types of categorically eligible households: (6-1-09)T

a. Categorically Eligible Household. If all household members receive or are authorized to receive a monthly cash payment through TAFI, AABD, or SSI, the household is categorically eligible. A categorically eligible household is exempt from resource, gross, and net income eligibility standards. (6-1-09)T

b. Expanded Categorically Eligible Household. If a household receives a TANF-funded non-cash or in-kind service, it is categorically eligible. An expanded categorically eligible household must meet the gross and net income standards for its household size. An expanded categorically eligible household is exempt from resource standards. (6-1-09)T

12. Certification Determination. Actions necessary to determine household eligibility including interviews, verification, approval, denial, field investigation, analysis and corrective action necessary to insure prompt, efficient and correct certifications. (6-1-94)

13. Certification Period. The period of time a household is certified to receive Food Stamp benefits. The month of application counts as the first month of certification. (4-11-06)

14. Claim Determination. The action taken by the Department establishing the household's liability for repayment when an overissuance of Food Stamps occurs. (6-1-94)

~~**15. Change Reporting Household (CR).** A household in which all members are elderly or disabled. (4-11-06)~~

~~**16.** Client.~~ A person entitled to or receiving Food Stamps. (6-1-94)

~~**17.** Department.~~ The Idaho Department of Health and Welfare. (6-1-94)

~~**18.** Desk Review.~~ A desk review is a recertification that may or may not include talking to the participant. (4-11-06)

~~**19.** Disqualified Household Members.~~ Individuals required to be excluded from participation in the Food Stamp Program are Disqualified Household Members. These include: (6-1-94)

- a.** Ineligible legal non-citizen who do not meet the citizenship or eligible legal non-citizen requirements. (7-1-98)
- b.** Individuals awaiting proof of citizenship when citizenship is questionable. (6-1-94)
- c.** Individuals disqualified for failure or refusal to provide a Social Security Number (SSN). (6-1-94)
- d.** Individuals disqualified for Intentional Program Violation (IPV). (6-1-94)
- e.** Individuals disqualified for receiving three (3) months of Food Stamps in a three (3) year period in which they did not meet the work requirement for able-bodied adults without dependent children. (7-1-98)
- f.** Individuals disqualified as a fugitive felon or probation or parole violator. (7-1-98)
- g.** Individuals disqualified for a voluntary quit or reduction of hours of work to less than thirty (30) hours per week. (7-1-98)
- h.** Individuals disqualified for failure to cooperate in establishing paternity and obtaining support for a child under eighteen (18). (7-1-98)
- i.** Individuals convicted under federal or state law of any offense classified as a felony involving the possession, use, or distribution of a controlled substance when they do not comply with the terms of a withheld judgment, probation, or parole. The felony must have occurred after August 22, 1996. (3-30-01)

2019. Documentation. The method used to record information establishing eligibility. The information must sufficiently explain the action taken and the proof and how it was used. (6-1-94)

240. Drug Addiction or Alcoholic Treatment Program. Any drug addiction or alcoholic treatment rehabilitation program conducted by a private nonprofit organization or institution or a publicly operated community mental health center under Part B of Title XIX of the Public Health Service Act (42 USC 300x, et seq.). Indian reservation based centers may qualify if FCS requirements are met and the program is funded by the National Institute on Alcohol Abuse under Public Law 91-616 or was transferred to Indian Health Service funding. (4-6-05)

011. DEFINITIONS E THROUGH L.

For the Food Stamp Program, the following definitions apply: (4-11-06)

01. EBT Handbook. Idaho Department of Health and Welfare Rules, IDAPA 16.03.20, "Rules Governing Electronic Benefit Transfer (EBT) of Public Assistance, Food Stamps, and Child Support." (7-1-98)

02. Electronic Benefit Transfer. A method of issuing Food Stamps to an eligible household. (7-1-98)

03. Eligible Foods. Any food or food product for human consumption excluding alcohol, tobacco, and hot foods and hot food products ready for immediate consumption. Eligible foods include: (6-1-94)

- a.** Garden seeds and plants to grow food for human consumption. (6-1-94)
- b.** Meals prepared for the elderly at a communal dining facility. (6-1-94)
- c.** Meals prepared and delivered by an authorized meal delivery service. (6-1-94)
- d.** Meals served to a narcotics addict or alcoholic who participate and reside in a rehabilitation center program. (6-1-94)
- e.** Meals prepared and served by an authorized group living center to blind or disabled residents who receive benefits under Titles I, II or X, XIV, XVI of the Social Security Act. (6-1-94)

- f. Meals prepared and served at a shelter for battered women and children to eligible residents. (6-1-94)
- g. Meals prepared and served by an authorized public or private nonprofit establishment to homeless Food Stamp participants. (6-1-94)
04. **Eligible Household.** A household living in a Idaho and meeting the eligibility criteria in these rules. (4-11-06)
05. **Emancipated Minor.** A person, age fourteen (14) but under age eighteen (18), who has been married or whose circumstances show the parent and child relationship has been renounced such as a child in the military service. (6-1-94)
06. **Enumeration.** The requirement that each household member provide the Department either their Social Security Number (SSN) or proof that they have applied. (6-1-94)
07. **Exempt.** A household member who is not required to register for or participate in the JSAP program is exempt. A household member who is not required to register for work is exempt. (6-1-94)
- ~~08. **Farm Bill.** Public Law 107-171, "Farm Security and Rural Investment Act of 2002."~~ (4-6-05)
08. **Extended Certification Household (EC).** A household in which all members are elderly or disabled, and no one has earned income. (10-1-09)T
09. **Fair Hearing.** A fair hearing in an appeal of a Department decision. See Section 003 of these rules for appeals. (4-11-06)
10. **Federal Fiscal Year.** The federal fiscal year (FFY) is from October 1 to September 30. (6-1-94)
11. **Field Office.** A Department of Health and Welfare service delivery site. (4-6-05)
12. **Food Assistance.** The Department's Food Stamp Program or Food Distribution Program. (6-1-94)
13. **Food and Nutrition Service (FNS).** The Food and Nutrition Service of the U.S. Department of Agriculture. This is the federal entity that administers the Food Stamp program. (4-11-06)
14. **Group Living Arrangement.** A public or private nonprofit residential setting serving no more than sixteen (16) residents. The residents are blind or disabled and receiving benefits under Title II or XVI of the Social Security Act, certified by the Department under regulations issued under Section 1616(e) of the Social Security Act, or under standards determined by the Secretary of USDA to be comparable to Section 1616(e) of the Social Security Act. (6-1-94)
15. **Homeless Person.** A person: (6-1-94)
- a. Who has no fixed or regular nighttime residence. (6-1-94)
- b. Whose primary nighttime residence is a temporary accommodation for not more than ninety (90) days in the home of another individual or household. (7-1-98)
- c. Whose primary nighttime residence is a temporary residence in a supervised public or private shelter providing temporary residence for homeless persons. (6-1-94)
- d. Whose primary nighttime residence is a temporary residence in an institution which provides temporary residence for people who are being transferred to another institution. (6-1-94)
- e. Whose primary nighttime residence is a temporary residence in a public or private place which is not designed or customarily used as sleeping quarters for people. (6-1-94)

16. Homeless Meal Provider. A public or private nonprofit establishment or a profit making restaurant which provides meals to homeless people. The establishment or restaurant must be approved by the Department and authorized as a retail food store by FCS. (7-1-98)

17. Identification Card. The card identifying the bearer as eligible to receive and use Food Stamps. (4-11-06)

18. Inadvertent Household Error Claim (IHE). A claim resulting from an overissuance, caused by the household's misunderstanding or unintended error. A household error claim pending an intentional program violation decision. (6-1-94)

19. Income and Eligibility Verification System (IEVS). A system of information acquisition and exchange for income and eligibility verification which meets Section 1137 of the Social Security Act requirements. (6-1-94)

20. Indian General Assistance. The general assistance program administered by the Bureau of Indian Affairs. (6-1-94)

21. Institution of Higher Education. Any institution which normally requires a high school diploma or equivalency certificate for enrollment. These institutions include colleges, universities, and business, vocational, technical, or trade schools at the post-high school level. (7-1-97)

22. Institution of Post Secondary Education. Educational institutions normally requiring a high school diploma or equivalency certificate for enrollment, or admits persons beyond the age of compulsory school attendance. The institution must be legally authorized by the state and provide a program of training to prepare students for gainful employment. (4-11-06)

23. Legal Noncitizen. A qualified alien under 8 USC Section 1641(b). (4-6-05)

24. Limited Utility Allowance (LUA). Utility deduction given to a food stamp household that has a cost for more than one (1) utility. This includes electricity and fuel for purposes other than heating or cooling, water, sewage, well and septic tank installation and maintenance, telephone, and garbage or trash collection. (4-11-06)

012. DEFINITIONS M THROUGH Z.
For the Food Stamp Program, the following definitions apply: (4-11-06)

01. Migrant Farmworker Household. A migrant farmworker household has a member who travels from community to community to do agricultural work. (4-6-05)

02. Minimum Utility Allowance (MUA). Utility deduction given to a food stamp household that has a cost for one (1) utility that is not heating, cooling, or telephone. ~~(4-11-06)~~ (10-1-09)T

03. Nonexempt. A household member who must register for and participate in the JSAP program. A household member who must register for work. (6-1-94)

04. Nonprofit Meal Delivery Service. A political subdivision or a private nonprofit organization, which prepares and delivers meals, authorized to accept Food Stamps. (6-1-94)

05. Overissuance. The amount Food Stamps issued exceeds the Food Stamps a household was eligible to receive. (6-1-94)

06. Parental Control. Parental control means that an adult household member has a minor in the household who is dependent financially or otherwise on the adult. Minors, emancipated through marriage, are not under parental control. Minors living with children of their own are not under parental control. (4-6-05)

07. Participant. A person who receives Food Stamp benefits. (4-6-05)

08. Program. The Food Stamp Program created under the Food Stamp Act and administered in Idaho by the Department. (6-1-94)

09. Public Assistance. Public assistance means Temporary Assistance for Families in Idaho (TAFI), and Aid to the Aged, Blind, and Disabled (AABD). (4-6-05)

10. Recertification. A recertification is a process for determining ongoing eligibility for Food Stamps. (4-11-06)

11. Retail Food Store. A retail food store, for Food Stamp purposes means: (6-1-94)

a. An establishment, or recognized department of an establishment, or a house-to-house food trade route, whose food sales volume is more than fifty percent (50%) staple food items for home preparation and consumption. (6-1-94)

b. Public or private communal dining facilities and meal delivery services. (6-1-94)

c. Private nonprofit drug addict or alcohol treatment and rehabilitation programs. (6-1-94)

d. Public or private nonprofit group living arrangements. (6-1-94)

e. Public or private nonprofit shelters for battered women and children. (6-1-94)

f. Private nonprofit cooperative food purchasing ventures, including those whose members pay for food prior to the receipt of the food. (6-1-94)

g. A farmers' market. (6-1-94)

h. An approved public or private nonprofit establishment which feeds homeless persons. The establishment must be approved by FCS. (7-1-98)

12. Sanction. A penalty period when an individual is ineligible for Food Stamps. (3-30-07)

13. Seasonal Farmworker Household. A seasonal farmworker household has a member who does agricultural work of a seasonal or other temporary nature. (4-6-05)

~~**14. Simplified Reporting Household (SR).** All households except those in which all members are elderly or disabled. (4-11-06)~~

~~**154. Spouse.** Persons who are living together, married or free to marry, and are holding themselves out as man and wife. (4-6-05)~~

~~**165. Standard Utility Allowance (SUA).** Utility deduction given to a food stamp household that has a cost for heating or cooling. (4-11-06)~~

~~**176. State.** Any of the fifty (50) States, the District of Columbia, Puerto Rico, Guam, the Northern Mariana Islands and the Virgin Islands of the United States. (6-1-94)~~

~~**187. State Agency.** The Idaho Department of Health and Welfare. (6-1-94)~~

~~**198. Student.** An individual between the ages of eighteen (18) and fifty (50), physically and mentally fit, and enrolled at least half-time in an institution of higher education. (6-1-94)~~

~~**2019. Supplemental Security Income (SSI).** Monthly cash payments under Title XVI of the Social Security Act. Payments include state or federally administered supplements. (4-11-06)~~

~~20.~~ **Systematic Alien Verification for Entitlements (SAVE).** The federal automated system that provides immigration status needed to determine an applicant's eligibility for many public benefits, including Food Stamps. (4-11-06)

21. Telephone Utility Allowance (TUA). Utility deduction given to a Food Stamp household that has a cost for telephone services and no other utilities. (10-1-09)T

22. Timely Notice. Notice that is mailed at least ten (10) days before the effective date of an action taken by the Department. (4-6-05)

23. Twelve Month Contact. For households that have a twenty-four (24) month certification period, Department staff contact the household during the twelfth month of the certification period for the purpose of determining continued eligibility. (4-6-05)

24. Tribal General Assistance. Cash, excluding in-kind assistance, financed by federal, state or local government and provided to cover living expenses or other basic needs. This cash is intended to promote the health and well-being of recipients. (4-11-06)

25. Verification. The proof obtained to establish the accuracy of information and the household's eligibility. (6-1-94)

26. Verified Upon Receipt. Food stamp benefits are adjusted on open food stamp cases when information is received from "verified upon receipt" sources. Information "verified upon receipt" is received from a manual query or automated system match with the Social Security Administration or Homeland Security query for citizenship status. (3-30-07)

(BREAK IN CONTINUITY OF SECTIONS)

014. ABBREVIATIONS I THROUGH Z.

For the purposes of the Food Stamp Program, the following abbreviations are used. (4-11-06)

01. ICCP. Idaho Child Care Program. (4-11-06)

02. ICSES. Idaho Child Support Enforcement System. (4-11-06)

03. IEVS. Income and Eligibility Verification Systems. (6-1-94)

04. IHE. Inadvertent household error. (6-1-94)

05. INS. Immigration and Naturalization Service, in 2003, became the United States Citizenship and Immigration Service (USCIS), a Division of Homeland Security. (4-11-06)

06. INA. Immigration and Nationality Act. (4-6-05)

07. IPV. Intentional program violation. (6-1-94)

08. IRS. Internal Revenue Service. (6-1-94)

09. JSAP. Job Search Assistance Program. (6-1-94)

10. LUA. Limited utility allowance. (4-11-06)

11. MUA. Minimum utility allowance. (4-11-06)

- | | | |
|-----|--|--------------------------------|
| 12. | NADA. National Automobile Dealer's Association. | (4-11-06) |
| 13. | PA. Public Assistance. | (6-1-94) |
| 14. | RSDI. Retirement, Survivors, Disability Insurance received from SSA. | (6-1-94) |
| 15. | SAVE. Systematic Alien Verification for Entitlements. | (4-11-06) |
| 16. | SAW. Special Agricultural Worker. | (6-1-94) |
| 17. | SDX. State Data Exchange. | (6-1-94) |
| 18. | SQC. State Quality Control. | (6-1-94) |
| 19. | SRS. Self Reliance Specialist. | (7-1-98) |
| 20. | SUA. Standard utility allowance. | (4-11-06) |
| 21. | SSA. Social Security Administration. | (6-1-94) |
| 22. | SSI. The Federal Supplemental Security Income Program for the aged, blind or disabled. | (6-1-94) |
| 23. | SSN. Social Security number. | (6-1-94) |
| 24. | SWICA. State Wage Information Collection Agency. | (6-1-94) |
| 25. | TAFI. Temporary Assistance for Families in Idaho. | (7-1-98) |
| 26. | TOP. Treasury Offset Program. | (3-15-02) |
| 27. | TPQUA. Third Party Query Telephone Utility Allowance. | (6-1-94) (10-1-09)T |
| 28. | UI. Unemployment Insurance. | (6-1-94) |
| 29. | USDA. United States Department of Agriculture. | (6-1-94) |
| 30. | VA. The Veterans Administration. | (6-1-94) |
| 31. | WIA. The Workforce Investment Act. | (3-15-02) |
| 32. | WIC. The special supplemental Food Program for Women, Infants, and Children. | (6-1-94) |

(BREAK IN CONTINUITY OF SECTIONS)

204. CITIZENSHIP AND QUALIFIED NON-CITIZEN REQUIREMENTS.

To be eligible for Food Stamps, an individual must meet the requirements specified in 7 CFR 273.4, "Citizenship and alien status;" ~~in accordance with Public Law 107-171 "Farm Security and Rural Investment Act of 2002," Title IV—Nutrition Programs, Subtitle D—Miscellaneous, Section 4401, regarding the partial restoration of benefits to legal immigrants; and regarding special immigrants, Public Law 110-161, effective December 26, 2007, and Public Law 110-181, effective January 28, 2008. In addition, special immigrants from Iraq and Afghanistan have limited eligibility per Public Laws 110-161, 110-181, and 111-8, Subsection 602(b)(8).~~ ~~(5-8-09)~~(3-11-09)T

(BREAK IN CONTINUITY OF SECTIONS)

~~221. DETERMINATION OF HOUSEHOLD COMPOSITION FOR CHANGE REPORTING HOUSEHOLDS.~~

~~Household composition must be determined at application, recertification, and when changes are reported. (4-6-05)~~

~~2221. DETERMINATION OF HOUSEHOLD COMPOSITION FOR SIMPLIFIED REPORTING HOUSEHOLDS.~~

~~Household composition must be determined at application, twelve-month (12) contact, recertification, and when a reported change in household members would result in an increase in the food stamp benefits. (4-11-06)(10-1-09)T~~

~~2232. -- 225. (RESERVED).~~

(BREAK IN CONTINUITY OF SECTIONS)

323. LUMP SUM RESOURCES.

Nonrecurring lump sum payments are ~~counted as~~ considered a resource in the month received, unless excluded under these rules. A household ~~using simplified reporting~~ is not required to report changes in resources during a certification period. ~~A household using change reporting must report the lump sum payment to the Department within ten (10) days of receiving the payment, if their resource limit is exceeded because of the lump sum. If the lump sum along with other resources exceeds the resource limit, that change reporting household is not eligible for Food Stamps. The Food Stamp case must be closed after timely notice. The household may spend resources down under the limit in the month the lump sum was received. If resources are spent down below the resource limit, the household continues to be eligible for Food Stamps. The household must still report receipt of the lump sum payment within ten (10) days.~~ Some lump sum payments are listed below: ~~(3-30-07)(10-1-09)T~~

- 01. Retroactive Payments.** Retroactive payments from: (6-1-94)
 - a. Social Security. (6-1-94)
 - b. SSI. (6-1-94)
 - c. Public Assistance. (6-1-94)
 - d. Railroad Retirement Benefits. (6-1-94)
 - e. Unemployment Compensation Benefits. (6-1-94)
 - f. Child Support. (3-30-07)
- 02. Insurance.** Insurance settlements. (6-1-94)
- 03. Refunds.** Income tax refunds, rebates, or credits. (6-1-94)
- 04. Property Payments.** Lump sum payment from sale of property. Contract payments from the sale of property are counted as income. (6-1-94)
- 05. Security Deposits.** Refunds of security deposits on rental property or utilities. (6-1-94)
- 06. Disability Pension.** Annual adjustment payments in VA disability pensions. (6-1-94)
- 07. Vacation Pay.** Vacation pay, withdrawn in one lump sum by a terminated employee. (6-1-94)
- 08. Military Bonus.** Military re-enlistment bonuses. (6-1-94)

- 09. Readjustment Pay.** Job Corps readjustment pay. (6-1-94)
- 10. Severance Pay.** Severance pay, paid in one (1) lump sum to a former employee. (6-1-94)
- 11. TAFI One-Time Cash Payment.** The one-time TAFI cash diversion payment. (4-5-00)

(BREAK IN CONTINUITY OF SECTIONS)

389. REPORTING RESOURCES.

Households receiving food stamps must report resource changes at each recertification or twelve (12) month contact.
~~Change reporting households must also report when cash on hand, stocks, bonds, or money in a financial institution reaches or exceeds the resource limit. A household must report if it obtains a vehicle.~~ (4-2-08)(10-1-09)T

(BREAK IN CONTINUITY OF SECTIONS)

535. MEDICAL EXPENSES.

Medical expenses over thirty-five dollars (\$35), for elderly or disabled household members, are deducted from the household income. Allowable medical expense deductions are listed in Subsection 535.01 through 535.14 of these rules. The household must provide proof of the incurred or anticipated cost before a deduction is allowed. (3-30-07)

01. Medical and Dental Services. Services must be performed by licensed practitioners, physicians, dentists, podiatrists, or other qualified health professionals. Other qualified health professionals include registered nurses, nurse practitioners, licensed physical therapists and licensed chiropractors. (6-1-94)

02. Psychotherapy and Rehabilitation Services. Services must be performed by licensed psychiatrists, licensed clinical psychologists, licensed practitioners, physicians or other qualified health professionals. (6-1-94)

03. Hospital or Outpatient Treatment. Hospital or outpatient treatment includes expenses for hospital, nursing care, State licensed nursing home care, and care to a person immediately before entering a hospital or nursing home. (4-6-05)

04. Prescription Drugs. Prescription drugs and prescribed over-the-counter medication including insulin. (6-1-94)

05. Medical Supplies and Sickroom Equipment. Medical supplies and sickroom equipment including rental or other equipment. (6-1-94)

06. Health Insurance. Health and hospitalization insurance premiums. These do not include health and accident policies payable in a lump sum for death or dismemberment. These do not include income maintenance policies to make mortgage or loan payments while a beneficiary is disabled. (6-1-94)

07. Medicare Premiums. Medicare premiums related to coverage under Title XVIII of the Social Security Act. (6-1-94)

08. Cost-Sharing or Spend-Down Expenses. Cost-sharing or spend-down expenses incurred by Medicaid recipients. (6-1-94)

09. Artificial Devices. Dentures, hearing aids, and prostheses. (6-1-94)

10. Guide Dog. Expenses incurred buying and caring for any animal trained and routinely used to help a disabled person. Expenses include costs for dog food, training, and veterinarian services. (4-6-05)

11. **Eyeglasses.** Expenses for eye examinations and prescribed eyeglasses. (4-6-05)
12. **Transportation and Lodging.** Reasonable transportation and lodging expenses incurred to get medical services. (4-6-05)
13. **Attendant Care.** Attendant care costs necessary due to age, disability, or illness. If attendant care costs qualify for both the excess medical and dependent care expense deductions, the cost is treated as a medical expense. (4-6-05)
14. **Attendant Meals.** ~~One hundred nineteen dollars (\$119)~~ An amount equal to the maximum Food Stamp allotment for a one (1) person household per month ~~are~~ is deducted if the household provides most of the attendant's meals. ~~(4-6-05)~~ (10-1-09)T

(BREAK IN CONTINUITY OF SECTIONS)

542. COSTS ALLOWED FOR SHELTER DEDUCTION.

Shelter costs are current charges for the shelter occupied by the household. Shelter costs include costs for the home temporarily not occupied because of employment or training away from home or illness. The costs allowed for the shelter deduction are listed below: (6-1-94)

01. **House Payments.** Mortgages, second mortgages, mortgage fees, home equity loans, and land payments. (4-6-05)
02. **Rent.** Rent and space rent. (6-1-94)
03. **Homeless Shelter Deduction.** The homeless shelter deduction is allowed for homeless households with some shelter expenses. It is established by FNS and may be found under <http://www.fns.usda.gov/fsp/government/cola.htm>. This deduction must not be used in combination with other costs allowed for shelter deduction. (4-11-06)
04. **Condominium Fees.** The entire condominium fee, including fees for maintenance of the structure and the grounds. (3-30-01)
05. **Loan Payments.** Loan repayments for the purchase of a mobile or motor home, including interest. (6-1-94)
06. **Taxes And Insurance.** Property taxes, state and local assessments, and insurance on the property. This also includes insurance on a vehicle used as a residence. (3-30-07)
07. **Utilities.** Only one (1) utility allowance (SUA, LUA, ~~or~~ MUA, or TUA) may be used for a household. The costs used to determine the utility allowance are: heating, cooling, cooking fuel, electricity, the basic service fee for one (1) telephone (including wire maintenance fees, subscriber line charges, relay center surcharges, 911 fees, and basic service for a cellular phone), water, sewer, garbage and trash collection, well installation and maintenance, septic tank system installation and maintenance, and fees for initial utility installation. One-time deposits cannot be included. ~~(4-6-05)~~ (10-1-09)T
08. **Vehicle Payments.** Payments for vehicles used as the primary residence for the household. (6-1-94)
09. **Costs for Home Repairs.** Nonreimbursable costs to repair a home damaged or destroyed by a natural disaster such as a fire or flood or earthquake. (6-1-94)
10. **Home Temporarily Not Occupied.** Shelter costs for the home temporarily not occupied because

of employment, training away from home, illness, or abandonment caused by a natural disaster or casualty loss. This shelter cost may be in addition to the shelter cost for the home the household currently occupies. To receive the shelter deduction for a vacated home: (4-6-05)

- a. The household must intend to return; (4-6-05)
- b. Current occupants must not be claiming Food Stamp shelter costs; and (4-6-05)
- c. The home must not be leased or rented. (6-1-94)

543. UTILITY ALLOWANCES.

The shelter deduction is computed using one (1) of ~~three~~ four (~~34~~) utility allowances: Standard Utility Allowance (SUA). Limited Utility Allowance (LUA), ~~or~~ the Minimum Utility Allowance (MUA), or the Telephone Utility Allowance (TUA). Utility allowances are not prorated. (~~4-6-05~~)(10-1-09)T

01. Standard Utility Allowance (SUA). (4-6-05)

a. Primary heating or cooling system. The household must have a primary heating or cooling cost to qualify for the SUA. The heating or cooling costs must be separate from rent or mortgage payments. This includes households in private rental housing, billed by their landlords for individual usage or charged a flat rate, separately from rent. If not billed regularly for heating or cooling costs, the household must be otherwise Food Stamp eligible between billing periods. (4-6-05)

b. Cooling costs. If the household claims cooling costs, the household must have either an air conditioning system or a room air conditioner to qualify for the SUA. (3-15-02)

c. Heating costs. If the household claims heating costs, the household must have expenses for heat. Households buying wood for their primary source of heat may get the SUA. Cutting their own wood for the primary source of heat does not qualify a household for the SUA. Supplemental heat sources such as space heaters, electric blankets, cook stoves and a secondary heat source such as a fireplace do not qualify households for the SUA. (4-6-05)

d. LIHEAP. If the household receives LIHEAP assistance, it is automatically eligible for the SUA. (4-11-06)

e. Energy Assistance Excluded From Income. If the household gets direct or indirect energy assistance that is excluded from income, the household gets the SUA if the amount of the expense exceeds the amount of the assistance. (3-15-02)

f. Energy Assistance Not Excluded From Income. If a household gets energy assistance that is not excluded from income, the household must also have out-of-pocket heating or cooling costs to get the SUA. (3-15-02)

g. Occupied and Unoccupied Home. A household with both an occupied home and an unoccupied home, is limited to one (1) SUA. (3-15-02)

02. Limited Utility Allowance (LUA). The household must be billed for more than one (1) utility that is not for heating or cooling. Water, sewer, and trash are considered one (1) utility cost regardless of how they are billed. If the household is billed for rural trash pickup, this can be counted as a separate utility. (4-6-05)

03. Minimum Utility Allowance (MUA). The household must be billed for one (1) utility that is not for heating, ~~or~~ cooling, or telephone service. (~~4-6-05~~)(10-1-09)T

04. Telephone Utility Allowance (TUA). The household must be billed for telephone service and have no other verified utility expenses. (10-1-09)T

(BREAK IN CONTINUITY OF SECTIONS)

563. FOOD STAMP PRORATING FORMULA.

~~Determine~~ The prorated Food Stamp amount ~~using the steps listed in Subsections 563.01 through 563.05 is determined per 7 CFR 273.10(a)(1)(iii)(B).~~ (7-1-97)

~~01. Step 1. Subtract the application date (1 through 30) from 31. If the application date is the thirty-first day of the month, use thirty (30).~~ (7-1-97)

~~02. Step 2. Divide the amount in Step 1 by thirty (30).~~ (7-1-97)

~~03. Step 3. Multiply the monthly Food Stamp benefit by the amount in Step 2.~~ (7-1-97)

~~04. Step 4. If the difference in Step 3 ends in one (1) through ninety nine (\$.99) cents, round down to the lower dollar.~~ (7-1-97)

~~05. Step 5. If the amount in Step 4 is for the initial month, and is less than ten dollars (\$10), benefits must not be issued.~~ (7-1-97)(10-1-09)T

(BREAK IN CONTINUITY OF SECTIONS)

565. FOOD STAMP BENEFITS FOR CATEGORICALLY ELIGIBLE HOUSEHOLD.

Categorically eligible households with one (1) or two (2) household members are eligible to get ~~at least ten dollars (\$10)~~ an allotment amount of Food Stamps that is equal to at least eight percent (8%) of the maximum monthly one (1) person allotment, regardless of net income. Categorically eligible households with three (3) or more household members are eligible for Food Stamps, but do not get Food Stamps if the net income is too high. ~~(10-1-94)(10-1-09)T~~

566. -- 574. (RESERVED).

~~**572. HOUSEHOLD COMPOSITION CHANGES FOR CHANGE REPORTING HOUSEHOLDS.**~~

~~Change reporting food stamp households must report changes in household composition. Any change reported is effective for the month after it is reported, allowing for timely notice.~~ (4-2-08)

~~**573. ACTING ON HOUSEHOLD COMPOSITION CHANGES FOR SIMPLIFIED REPORTING HOUSEHOLDS.**~~

Changes in household composition are not required to be reported ~~for simplified reporting households~~. If a ~~simplified reporting~~ household does report a change in household composition, and the change would increase the Food Stamp benefit, proof is needed to act on the change. If proof is provided within ten (10) days, increase the Food Stamp benefits beginning the month immediately following when the change was reported. If proof is not provided within ten (10) days, increase the Food Stamp benefit beginning the month after the proof is provided. If the reported change decreases the Food Stamp benefit, the change is effective at the next recertification ~~or twelve-month (12) contact.~~ ~~(4-11-06)(10-1-09)T~~

(BREAK IN CONTINUITY OF SECTIONS)

575. HOUSEHOLD COMPOSITION CHANGES FOR STUDENT.

Ineligible students are defined as non-household members. When a student's status changes, the change is treated as a new person entering or leaving the Food Stamp household. If a household reports a change in student status, and the change would increase the Food Stamp benefit, increase the Food Stamp benefit beginning the month after the proof is provided. If the reported change decreases the Food Stamp benefit, the change is effective at the next recertification or twelve-month (12) contact. ~~(4-11-06)(10-1-09)T~~

~~01. **Student Residing in a Change Reporting Household.** Changes in household composition are required to be reported for change reporting households. Changes must be reported within ten (10) days of the date the change occurs. The change is effective the month after it is reported, allowing for timely notice. (4-11-06)~~

~~02. **Student Residing in a Simplified Reporting Household.** Changes in household composition are not required to be reported for simplified reporting households. If a simplified reporting household does report a change in household composition, and the change would increase the Food Stamp benefit, increase the Food Stamp benefit beginning the month after the proof is provided. If the reported change decreases the Food Stamp benefit, the change is effective at the next recertification. (4-11-06)~~

576. CERTIFICATION PERIODS.

A certification period must be assigned for each household. Households must be assigned a certification period based on household circumstances at the time of application approval, ~~or~~ recertification, or twelve-month contact in accordance with 7 CFR 273.10(f) and 273.12, ~~and the Farm Bill under Title IV, Subtitle A – Food Stamp Programs, Section 4109, regarding the state option to reduce reporting requirements.~~ Households are assigned a six (6) month certification period unless they meet the criteria for extended certification, in which case they are assigned a twenty-four (24) month certification period. At the end of each certification period, entitlement to Food Stamps ends. Further eligibility starts only upon recertification based upon a newly completed application, an interview, and verification. The certification period cannot be lengthened nor can benefits be continued beyond the end of a certification period without a new determination of eligibility. ~~(3-30-07)~~ (10-1-09)T

577. ~~LENGTHENING~~ CHANGING THE CERTIFICATION PERIOD.

~~The certification period cannot be lengthened.~~ If a household has an extended certification period, and at the twelve-month contact it is determined that they remain eligible but they no longer meet the criteria for extended certification, the current certification will be ended and a six-month certification period will be assigned for ongoing benefits. ~~(4-6-05)~~ (10-1-09)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 e-mail, or directly to the Department. Households must report as follows: ~~(4-6-05)~~ (10-1-09)T

- ~~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; (4-11-06)~~
 - ~~d. Changes in household composition; and (4-6-05)~~
 - ~~e. When resources exceed the resource limit unless the household is categorically eligible under Sections 178 or 181 of these rules. (6-1-09)T~~

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

~~01. **Income Exceeds One Hundred Thirty Percent (130%) of FPG.** 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)~~(10-1-09)T

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

e02. Decrease in ABAWD Hours to Less Than Eighty (80) Hours Per Month. When there is a decrease in the household's ABAWD hours to less than eighty (80) hours per month. ~~(4-6-05)~~(10-1-09)T

(BREAK IN CONTINUITY OF SECTIONS)

611. TIME FRAMES FOR REPORTING CHANGES IN HOUSEHOLD CIRCUMSTANCES.

Households must report changes in circumstances as required ~~by the household's reporting group in~~ Section 601 of these rules. Households ~~must~~ reporting required changes to the Department must do so by the tenth day of the month following the month in which the change occurred. ~~(4-2-08)~~(10-1-09)T

~~01. **Change After the Certification Interview.** If changes in circumstances occur after the certification interview but before the Notice of Decision is sent, the household must report changes to the Department by the tenth day of the month following the month in which they receive the Notice of Decision.~~ ~~(4-2-08)~~

~~02. **Simplified Reporting Households.** When the actual gross income received in a month by a simplified reporting household is greater than one hundred thirty percent (130%) of the poverty limit for the household size, the household must report this change by the tenth day of the month following the month in which the income exceeded the limit.~~ ~~(4-2-08)~~

031. Must Not Impose Added Reporting Requirements. The Department must not require additional household reporting not listed in these rules. (6-1-94)

042. Report Form. The Department must give households a Change Report Form at certification, at the twelve (12) month contact, at recertification, when the household reports a change, and when the household requests the form. ~~(4-6-05)~~(10-1-09)T

~~053. **Reporting Methods.** Changes can be reported by telephone, personal contact, ~~or~~ mail, or e-mail. Changes can be reported by a household member or authorized representative.~~ ~~(6-1-94)~~(10-1-09)T

064. Failure to Report. If Food Stamps are overissued because a household fails to report required changes, a Claim Determination must be prepared. A person can be disqualified for failure to report a change if he commits an Intentional Program Violation. (7-1-99)

612. (RESERVED).

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 617 and 618 of these rules when: (4-11-06)

- 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; (4-11-06)

~~h. There is a change of address; or~~ (4-11-06)

~~ih. The household reports that~~ All members of the household moved out of the state of Idaho. (4-6-05)(10-1-09)T

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 617 of these rules. (4-11-06)

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).

615. CHANGES IN SHELTER, DEPENDENT CARE, CHILD SUPPORT, OR MEDICAL EXPENSES. ~~Regardless of the reporting group to which it belongs, a~~ household reporting a change in shelter, utility, dependent care, child support, or medical expenses will be not 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)(10-1-09)T

616. (RESERVED).

617. INCREASES IN FOOD STAMP BENEFITS.

01. Household Reports a Change. If a 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.~~ (10-1-09)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)(10-1-09)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)~~(10-1-09)T

618. DECREASES IN FOOD STAMP BENEFITS.

If a change that is required to be ~~reported~~ acted upon results in a decrease in Food Stamp benefits, ~~and proof is required~~; the Department must ~~verify 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~~ and must give timely notice, ~~if required~~. The notice must explain the reason for the action. ~~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)~~(10-1-09)T

(BREAK IN CONTINUITY OF SECTIONS)

852. FOOD STAMP HOUSEHOLD RESPONSIBILITIES.

The Food Stamp household must provide correct and complete information so the Department can make accurate eligibility and benefit decisions. The responsibilities of the Food Stamp household are listed below: (6-1-94)

01. Provide Information. The Food Stamp household must provide information to determine Food stamp eligibility. This includes, but is not limited to, all information about household income, work and housing cost. ~~This includes information about people moving in or out of the household and any other changes in circumstances.~~ ~~(6-1-94)~~(10-1-09)T

02. Change Reporting. The Food Stamp household must report changes ~~of income, expenses, resources or household composition~~ as required under Section 601 of these rules to the Department. ~~(6-1-94)~~(10-1-09)T

03. Change of Address. The Food Stamp household ~~must~~ is encouraged to report any move or change of address. ~~(6-1-94)~~(10-1-09)T

04. Quality Control. The Food Stamp household must cooperate with Quality Control if the case is selected for review. (6-1-94)