

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 No. 16-0304-1003).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the co-chairmen 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 10-29-10. 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 11-30-10.

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 334-4845, or send a written request to the address or FAX number indicated on the memorandum attached.



Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

Jeff Youtz
Director

MEMORANDUM

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

FROM: Research & Legislation Staff - Paige Alan Parker *PAP*

DATE: October 12, 2010

SUBJECT: Department of Health and Welfare - IDAPA 16.03.04 - Rules Governing the Food Stamp Program (Docket No. 16-0304-1003) (Temporary and Proposed)

Docket no. 16-0304-1003, dealing with rules governing the food stamp program (hereafter "proposed rule") is submitted by the Department of Health and Welfare to align the food stamp program rules with federal regulations and other benefit programs. According to the Department, these changes will: improve its accuracy and processes when determining participant eligibility for food stamp benefits; clarify income that is excluded; clarify special immigrants with refugee status; clarify process for returned mail and adjustment of benefits when a participant's death becomes known to the Department. The Governor's justification for the temporary rule is to confer benefits. The temporary rule went into effect on December 18, 2010, January 1, 2010, July 1, 2010, and October 1, 2010.

The Department relies upon section 56-203, Idaho Code, P.L. 111-118, section 8120, and 7 CFR 273.11(c)(1) as its authority. 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.

P.L. 111-118, section 8120 has removed the eight-month limitation on settlement support and other public benefits for Iraqi refugees and Afghan allies. Seven CFR 273.11(c)(1) provides rules for determining the eligibility and benefit level of any remaining household members of a household containing individuals determined ineligible because of a disqualification for an intentional Food Stamp Program violation, a felony drug conviction, their fleeing felon status, noncompliance with a work requirement, or imposition of a sanction while they were participating in a household disqualified because of failure to comply with workfare requirements

Mike Nugent, Manager
Research & Legislation

Cathy Holland-Smith, Manager
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Legislative Audits

Glenn Harris, Manager
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According to the Department, no fee or charge is imposed by the proposed rule. The Department states that there is no impact to the General Fund. The Department states that negotiated rulemaking was not conducted because the change is being done to confer benefits and to align with federal regulations.

The Department states that public hearings will be scheduled if requested in writing by 25 persons, a political subdivision or agency, not later than October 20, 2010. All written comments are to be delivered on or before October 27, 2010.

ANALYSIS

The proposed rule links Food Stamp eligibility for Iraqi and Afghan special immigrants to P.L. 111-118, section 8120 (discussed above). Section 204.

The limitation that an individual is prohibited from receiving Food Stamp benefits “in the same month” that specified conditions exist has been replaced by an “at the time of application” limitation. Being deceased has been added to the list of specified conditions. Thus, under the proposed rule, an individual is prohibited from receiving Food Stamp benefits if he is deceased at the time of application. The proposed rule also provides that the Department will end benefits for that individual if it learns of prohibited participation during the certification period. Section 219.

The proposed rule removes a limitation on the exclusion of certain education benefits from unearned income treatment, section 402.12, and adds interest income as an excluded unearned income, section 402.14. Temporary census earnings is added to the listing of excluded income. Section 405.16.

The six step process by which educational income is computed is deleted by the proposed rule, as well as the provision that expenses may be deducted from educational income not excluded. Thus, all educational income, as defined by the rule, is excluded. Section 415. Scholarships and education loans are deleted from the income averaging requirement. Section 509. The reference to education income is deleted from the gross income computation formula, section 531.03, and from the dependent care restrictions, section 537.

Departmental action to increase or decrease Food Stamp benefits is required when the U.S. Post Office returns mail to the Department because the household moved and left no forwarding address. Section 613.01.i. When the U.S. Post Office similarly returns mail, no notice of closure is required from the Department. Section 633.05. Under such circumstances, the case is closed at the end of the month without notice. Section 735.02.

If the Food Stamp household moves within Idaho and the new address is known, the Department simply changes the household address. Section 735.01.a. If the household contacts

the Department and provides a new Idaho address in the first calendar month following closure, the case is reopened without a new application, as long as the certification period has not expired, and without new proof of residency (unless questionable). Under such circumstances, the Food Stamp case is effective as of the first day of the month the Department is contacted. Section 735.02.

SUMMARY

The temporary and proposed rules appear to be authorized by sections 56-202(b) and 56-203(2), Idaho Code.

cc: Department of Health and Welfare: Tamara Prisock and Rosie Andueza

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.04 - RULES GOVERNING THE FOOD STAMP PROGRAM IN IDAHO
DOCKET NO. 16-0304-1003
NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective dates of the temporary rules are: December 19, 2009; January 1, 2010; July 1, 2010; and October 1, 2010.

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 regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 56-203, Idaho Code, Public Law 111-118 Section 8120, and 7 CFR 273.11(c)(1).

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 October 20, 2010.

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:

These rule changes are being made to align the food stamp program rules with federal regulations and other benefit programs. These changes will improve the Department's accuracy and processes when determining participant eligibility for food stamp benefits. The changes include clarification of income that is excluded, special immigrants with refugee status, process for returned mail and adjustment of benefits when a participant's death becomes known to the Department.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule changes is appropriate because they confer benefits.

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: N/A

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 anticipated fiscal impact to the state general fund due to this rulemaking. The food stamp program is 100% federally-funded.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because changes are being done to confer benefits and align with federal regulations.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Rosie Andueza at (208) 334-5553.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2010.

DATED this 26th day of August, 2010.

Tamara Prisock
DHW - Administrative Procedures Section
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P.O. Box 83720
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**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
FOR DOCKET NO. 16-0304-1003**

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 addition, special immigrants from Iraq and Afghanistan have ~~limited eligibility per~~ refugee status under Public Laws ~~110-161, 110-181, and~~ 111-118, Subsection ~~602(b)(8)~~ 8120. ~~(3-29-10)(12-19-09)T~~

(BREAK IN CONTINUITY OF SECTIONS)

219. CIRCUMSTANCES UNDER WHICH FOOD STAMP PARTICIPATION IS PROHIBITED.

01. Prohibition from Receiving Food Stamp Benefits. An individual is prohibited from receiving Food Stamp benefits ~~in the same month as~~ at the time of application if he: ~~(4-6-05)(7-1-10)T~~

- a. Receives tribal commodities; (4-6-05)
- b. Is incarcerated; (4-6-05)
- c. Is in an institution; (4-6-05)
- d. Is in foster care and the foster parents are receiving a cash benefit for providing care and maintenance for the child; ~~or~~ ~~(4-11-06)(7-1-10)T~~
- e. Receives Food Stamp benefits in another household; ~~or~~ ~~(4-6-05)(7-1-10)T~~
- f. Is deceased. (7-1-10)T

02. Prohibited Participation During the Certification Period. If the Department learns of prohibited participation during the certification period, it will act to end benefits for that individual. (7-1-10)T

(BREAK IN CONTINUITY OF SECTIONS)

402. UNEARNED INCOME.

Unearned income includes, but is not limited to income listed below: (6-1-94)

01. Public Assistance (PA). Payments from SSI, TAFI, AABD, GA, or other Public Assistance programs are unearned income. (7-1-98)

- 02. Retirement Income.** Payments from annuities, pensions, and retirement are unearned income. Old age, survivors, or Social Security benefits are unearned income. (6-1-94)
- 03. Strike Benefits.** Strike benefits are unearned income. (6-1-94)
- 04. Veteran's Benefits.** Veteran's benefits are unearned income. (6-1-94)
- 05. Disability Income.** Disability benefits are unearned income. (6-1-94)
- 06. Workers' Compensation.** Workers' Compensation is unearned income. (6-1-94)
- 07. Unemployment Insurance.** Unemployment Insurance is unearned income. (6-1-94)
- 08. Contributions.** Contributions are unearned income. (6-1-94)
- 09. Rental Property Income.** Rental property income, minus the cost of doing business, is unearned income if a household member is not managing the property at least twenty (20) hours per week. (6-1-94)
- 10. Support Payments.** Support payments, including child support payments, are unearned income. (6-1-94)
- 11. Alimony.** Alimony payments are unearned income. (6-1-94)
- 12. Education Benefits.** Educational scholarships, grants, fellowships, deferred payment loans, and veteran's educational benefits ~~exceeding excluded amounts~~ are **excluded** unearned income. ~~(6-1-94)~~**(10-1-10)T**
- 13. Government Sponsored Program Payments.** Payments from government sponsored programs are unearned income. (6-1-94)
- 14. Dividends, Interest, and Royalties.** Dividends, interest, and royalties are unearned income. Interest income is excluded unearned income. ~~(6-1-94)~~**(10-1-10)T**
- 15. Contract Income.** Contract income from the sale of property is counted as unearned income. (6-1-94)
- 16. Funds From Trusts.** Monies withdrawn from trusts exempt as a resource are unearned income. Dividends paid or dividends that could be paid from trusts exempt as a resource are unearned income. (7-1-97)
- 17. Recurring Lump Sum Payments.** Recurring lump sum payments are unearned income. (7-1-98)
- 18. Prizes.** Cash prizes, gifts and lottery winnings are unearned income. (6-1-94)
- 19. Diverted Support or Alimony.** Child support or alimony payments, diverted by the provider to a third party, to pay a household expense are unearned income. (6-1-94)
- 20. Agent Orange Payments.** Payments made under the Agent Orange Act of 1991 and disbursed by the U.S. Treasury are unearned income. (6-1-94)
- 21. Garnishments.** Garnishments from unearned income are unearned income. (6-1-94)
- 22. Tribal Gaming Income.** Tribal gaming income is unearned income. The participant can choose to count the income in the month received, or prorate the income over a twelve (12) month period. (4-5-00)
- 23. Other Monetary Benefits.** Any monetary benefit, not otherwise counted or excluded, is unearned income. (6-1-94)

403. -- 404. (RESERVED).

405. EXCLUDED INCOME.

Income excluded when computing Food Stamp eligibility is listed below: (6-1-94)

01. Money Withheld. Money withheld voluntarily or involuntarily, from an assistance payment, earned income, or other income source, to repay an overpayment from that income source, is excluded. If an intentional noncompliance penalty results in a decrease of benefits under a means tested program such as SSI or GA, count that portion of the benefit decrease attributed to the repayment as income. (7-1-98)

02. Child Support Payments. Child support payments received by TAFI recipients which must be given to CSS are excluded as income. (7-1-98)

03. Earnings of Child Under Age Eighteen Attending School. Earned income of a household member under age eighteen (18) is excluded. The member must be under parental control of another household member and attending elementary or secondary school. For the purposes of this provision, an elementary or secondary student is someone who attends elementary or secondary school or who attends GED or home-school classes that are recognized, operated, or supervised by the school district. This exclusion applies during semester and summer vacations if enrollment will resume after the break. If the earnings of the child and other household members cannot be differentiated, prorate equally among the working members and exclude the child's share. (7-1-98)

04. Retirement Benefits Paid to Former Spouse or Third Party. Social Security retirement benefits based on the household member's former employment, but paid directly to an ex-spouse, are excluded as the household member's income. Military retirement pay diverted by court order to a household member's former spouse is excluded as the household member's income. Any retirement paid directly to a third party from a household member's income by a court order is excluded as the household member's income. (6-1-94)

05. Infrequent or Irregular Income. Income received occasionally is excluded as income if it does not exceed thirty dollars (\$30) total in a three (3) month period. (6-1-94)

06. Cash Donations. Cash donations based on need and received from one (1) or more private nonprofit charitable organizations are excluded as income. The donations must not exceed three hundred dollars (\$300) in a calendar quarter of a federal fiscal year (FFY). (6-1-94)

07. Income in Kind. Any gain or benefit, such as meals, garden produce, clothing, or shelter, not paid in money, is excluded as income. (6-1-94)

08. Vendor Payments. A vendor payment is a money payment made on behalf of a household by a person or organization outside of the household directly to either the household's creditors or to a person or organization providing a service to the household. (3-20-04)

09. Third Party Payments. If a person or organization makes a payment to a third party on behalf of a household using funds that are not owed to the household, the payment shall be excluded from income. (3-20-04)

10. Loans. Loans are money received which is to be repaid. Loans are excluded as income. (6-1-94)

11. Money for Third Party Care. Money received and used for the care and maintenance of a third party who is not in the household. If a single payment is for both household members and nonhousehold members the identifiable portion of the payment for nonhousehold members is excluded. If a single payment is for both household members and nonhousehold members, exclude the lesser of: (6-1-94)

a. The prorated share of the nonhousehold members if the portion cannot be identified. (6-1-94)

b. The amount actually used for the care and maintenance of the nonhousehold members. (6-1-94)

12. Reimbursements. Reimbursements for past or future expenses not exceeding actual costs. Payments must not represent a gain or benefit. Payments must be used for the purpose intended and for other than

- normal living expenses. Excluded reimbursements are not limited to: (6-1-94)
- a. Travel, per diem, and uniforms for job or training. (6-1-94)
 - b. Out-of-pocket expenses of volunteer workers. (6-1-94)
 - c. Medical and dependent care expenses. (6-1-94)
 - d. Pay for services provided by Title XX of the Social Security Act. (6-1-94)
 - e. Repayment of loans made by the household from their personal property limit. The repayment must not exceed the amount of the loan. (6-1-94)
 - f. Work-related and dependent care expenses paid by the JSAP program. (6-1-94)
 - g. Transitional child care payments. (6-1-94)
 - h. Child care payments under the Child Care and Dependent Block Grant Act of 1990. (6-1-94)
13. **Federal Earned Income Tax Credit (EITC).** Federal EITC payments are excluded as income. (9-1-94)
14. **Work Study.** Work Study income received while attending post-secondary school is excluded as income. (3-20-04)
15. **HUD Family Self-Sufficiency (FSS) Escrow Account.** The federal exclusion for these funds are only excluded while the funds are in the escrow account or being used for a HUD approved purpose. See Section 363 of these rules for further clarification. (4-11-06)
- 16. Temporary Census Earnings. Wages earned for temporary employment related to U. S. Census activities are excluded as income during the regularly scheduled ten (10) year U. S. Census.** (1-1-10)T

(BREAK IN CONTINUITY OF SECTIONS)

415. EDUCATIONAL INCOME.

Educational income includes deferred repayment educational loans, grants, scholarships, fellowships, and veterans' educational benefits. The school attended must be a recognized institution of post secondary education, a school for the handicapped, a vocational education program, or a program providing completion of a secondary school diploma, or equivalent. ~~Title IV and BIA~~ Educational income is excluded. ~~Expenses may be deducted from educational income not excluded. Proof of expenses must be provided. Educational income is computed using steps in Subsections 415.01 through 415.06.~~ (6-1-94)(10-1-10)T

- ~~01- Step 1. Determine available income received for education. Exclude Title IV and BIA educational income.~~ (6-1-94)
- ~~02- Step 2. Deduct the amount for origination fees and insurance premiums from any educational loans.~~ (6-1-94)
- ~~03- Step 3. Deduct the largest amounts used for or earmarked as an allowance. The allowance is determined by the school, institution, or program. Do not deduct an allowance for living expenses. Deductible allowances are:~~ (6-1-94)
 - ~~a- Tuition allowance.~~ (6-1-94)

- ~~b. Mandatory fees allowance. This includes rental or purchase of equipment, materials, and supplies related to the course of study. (6-1-94)~~
- ~~c. Books, supplies, and transportation allowance. (6-1-94)~~
- ~~04. Step 4. Deduct personal expenses incidental to attending the school, institution, or program. The expenses are determined by the school. Do not deduct living expenses. (6-1-94)~~
- ~~05. Step 5. Deduct a child care allowance as determined by the school, institution, or program. (6-1-94)~~
- ~~06. Step 6. The remaining income is counted in the Food Stamp budget by prorating it over the period of intended use. (6-1-94)~~

(BREAK IN CONTINUITY OF SECTIONS)

509. TYPES OF INCOME TO BE AVERAGED.

Types of income to be averaged are listed below. Income for a destitute migrant or seasonal farm worker household is not averaged. (3-30-07)

- 01. Self-Employment Income.** Average self-employment income. (6-1-94)
- 02. Contract Income.** Average contract income over the period of the contract, if not received on an hourly or piecework basis. Households with averaged contract income include school employees, share croppers and farmers. These households do not include migrants or seasonal farm workers. (6-1-94)
- ~~03. Scholarships or Education Loans. Average scholarship, deferred educational loan, or other educational grant income, after exclusions, over the period of intended use. Scholarships or education loans may cover part of a month. A partial month is counted as a whole month to determine the period of intended use. (6-1-94)~~
- ~~a. If education benefits are received in the middle of the coverage period average them over the entire period, after deducting allowable expenses. Count the average monthly amount for only the remaining months in the period covered. No overissuance exists for the previous months. (6-1-94)~~
- ~~b. If education costs are incurred and verified after the first month of the school term, average the expenses over the entire period of intended use. Deduct only the average monthly amount for the remaining months in the period of intended use. (6-1-94)~~
- 043. Income Received Less Often Than Monthly.** When receipt of income is less often than monthly, the anticipated income can be averaged over the period intended to cover to determine the average monthly income. (6-1-94)
- 054. Child Support.** Child support income can be averaged to make a valid projection for ongoing income. (3-30-07)

(BREAK IN CONTINUITY OF SECTIONS)

531. COMPUTING GROSS INCOME.

Compute gross Food Stamp income by performing the steps in Subsections 531.01 through 531.06 of this rule. (6-1-94)

- 01. Step 1.** Project wages and salaries for the month for each household member. Do not count

- excluded income. (6-1-94)
- a. Add wages and salaries for the household. (6-1-94)
 - b. Add net self-employment income. (6-1-94)
 - 02. **Step 2.** Subtract any loss from a farmer's self-employment income. (6-1-94)
 - 03. **Step 3.** Project unearned income, ~~including educational income,~~ for the month for each household member. Do not count excluded income. Add unearned income for the household. ~~(6-1-94)~~(10-1-10)T
 - 04. **Step 4.** Add unearned income to earned income. (6-1-94)
 - 05. **Step 5.** Subtract any remaining loss from a farmer's self-employment income. (6-1-94)
 - 06. **Step 6.** The income remaining is gross income for Food Stamp eligibility. (6-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

537. DEPENDENT CARE RESTRICTIONS.

- Dependent care restrictions are listed below: (6-1-94)
- 01. **Care by Household Member.** Dependent care cannot be deducted if the care is provided by another household member. (6-1-94)
 - 02. **In-Kind Payment.** Dependent care cannot be deducted if the payment is in-kind, such as food or exchanges for shelter. (6-1-94)
 - 03. **Vendor Payment.** Dependent care cannot be deducted if paid by vendor payment. (6-1-94)
 - ~~04. **Education Exclusion.** Dependent care cannot be deducted if income for dependent care is excluded from educational income. (6-1-94)~~
 - 05. **Spouse Can Give Care.** Dependent care cannot be deducted if the spouse in the home is physically capable of the dependent care and is not working, seeking work, or registered for work. (6-1-94)
 - 06. **Paid or Reimbursed Dependent Care.** Dependent care cannot be deducted if paid or reimbursed under a federal child care program. (3-20-04)

(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 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. The household reports that all members of the household moved out of the state of Idaho; ~~or~~ ~~(3-29-10)~~ (10-1-10)T
- i. The U.S. Post Office returns mail to the Department because the household moved and left no forwarding address as provided in Section 735 of these rules. (10-1-10)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)

(BREAK IN CONTINUITY OF SECTIONS)

633. NOTICE OF CHANGES NOT REQUIRED.

Notice to individual Food Stamp households is not required when the conditions listed in Subsection 633.01 below are met. Mass notice must be given in some situations, as listed in Subsection 633.02 below: (4-5-00)

01. Waiver by the Household. A household member or authorized representative provides a written statement requesting closure. The person gives information causing reduction or an end to benefits and states, in writing, they know adverse action will be taken. The person acknowledges in writing continuation of benefits is waived, if a fair hearing is requested. (4-5-00)

02. Mass Change. Mass changes include: (6-1-94)

a. Changes in the income limit tables. (6-1-94)

- b. Changes in the issuance tables. (6-1-94)
- c. Changes in Social Security benefits. (6-1-94)
- d. Changes in SSI payments. (6-1-94)
- e. Changes in TAFI or AABD grants. (7-1-98)
- f. Changes caused by a reduction, suspension, or cancellation of Food Stamps ordered by the Secretary of USDA. (6-1-94)
- g. When it performs mass changes, the Department notifies Food Stamp households of the mass change by one of the following methods: (6-1-94)
 - i. Media notices. (6-1-94)
 - ii. Posters in the Food Stamp offices and issuance locations. (6-1-94)
 - iii. A general notice mailed to households. (6-1-94)
- 03. Mass Changes in TAFI or AABD.** When a mass change to TAFI or AABD causes a Food Stamp change, use the following criteria: (7-1-98)
 - a. If the Department has thirty (30) days advance notice of the TAFI or AABD mass change, Food Stamps must be adjusted the same month as the change. (7-1-98)
 - b. If the Department does not have advance notice, Food Stamp benefits must be changed no later than the month after the TAFI or AABD mass change. (7-1-98)
 - c. Ten (10) day advance notice to Food Stamp households is not required. Adequate notice must be sent to Food Stamp households. (6-1-94)
 - d. If a household requests a fair hearing because of an issue other than mass change, continue Food Stamps. (6-1-94)
- 04. Notice of Death.** Notice is not required when the Department learns of the death of all household members. (6-1-94)
- 05. Move From Idaho or Cannot be Located.** Notice of closure is not required when the household moves from Idaho, or when the U.S. Post Office returns mail to the Department because the household moved and left no forwarding address. (~~4-11-06~~)(10-1-10)T
- 06. Completion of Restored Benefits.** Notice is not required when an increased allotment, due to restored benefits, ends. The household must have been notified in writing when the increase would end. (6-1-94)
- 07. Joint Public Assistance and Food Stamp Applications.** Notice is not required if the household jointly applies for TAFI or AABD and Food Stamps and gets Food Stamps pending TAFI or AABD approval. The household must be notified at certification that Food Stamps will be reduced upon TAFI or AABD approval. (7-1-98)
- 08. Converting From Repayment to Benefit Reduction.** Notice is not required if a household with an IHE or IPV claim fails to repay under the repayment schedule. An allotment reduction is enforced. (6-1-94)
- 09. Households Receiving Expedited Service.** Notice is not required if all the following conditions are met: (4-11-06)
 - a. The applicant received expedited services. (4-11-06)

- b. Proof was postponed. (6-1-94)
- c. A regular certification period was assigned. (6-1-94)
- d. Written notice, stating future Food Stamps depend on postponed proof, was given at approval. (6-1-94)

10. Residents of a Drug or Alcoholic Treatment Center or a Group Living Arrangement Center.
Notice is not required when the Department ends Food Stamps to residents of a drug or alcoholic treatment center or group living arrangement center if: (6-1-94)

- a. The Department revokes the center's certification. (6-1-94)
- b. FCS disqualifies the center as a retailer. (7-1-98)

(BREAK IN CONTINUITY OF SECTIONS)

735. FOOD STAMP HOUSEHOLDS THAT MOVE.

01. Household Moves and New Address is Known. When a Food Stamp household moves: (10-1-10)T

a. ~~Within Idaho, the sending and receiving field offices must transfer the case record and the Department will~~ change the household's address. (10-1-10)T

b. ~~When all members of a Food Stamp household move~~ Outside of Idaho, the Department will close the case effective at the end of the month in which the household moves. Notice is not required. ~~(4-11-06)~~ (10-1-10)T

02. Household Moves and New Address is Unknown. When the U.S. Post Office returns mail to the Department because the household moved and left no forwarding address, the case is closed at the end of the month. Notice is not required. (10-1-10)T

a. ~~If the household contacts the Department and provides a new Idaho address in the first calendar month following closure, the case is reopened without a new application as long as the certification period has not expired. The Food Stamps case is effective as of the first day of the month the Department is contacted.~~ (10-1-10)T

b. ~~New proof of residency is not required, unless questionable.~~ (10-1-10)T