

STATE OF VERMONT
AGENCY OF HUMAN SERVICES

DCF

Department for Children and Families


FROM: Richard Giddings, Deputy Commissioner
Economic Services Division

BULLETIN NO.: 13-04F

DATE: November 15, 2013

SUBJECT: All Programs: Verification Process Change

CHANGES ADOPTED EFFECTIVE 12/5/13

INSTRUCTIONS

- ☒ **Maintain Manual - See instructions below.**
- ☐ **Proposed Regulation - Retain bulletin and attachments until you receive Manual Maintenance Bulletin: _____**
- ☐ **Information or Instructions - Retain until _____**

MANUAL REFERENCE(S):

271
273.2
273.11

This bulletin adopted changes to the 3SquaresVT Rules Manual pertaining to the verification process for new applicants. Specifically, this rule eliminates a mandated second written contact to program applicants prior to determining eligibility. Removing the requirement to send two requests for verification will allow for a more timely eligibility determination for applicants and will decrease administrative burden on staff. The second notice we propose to remove is not required by federal law.

While Reach Up and Health Care programs currently send a mandated second request for verification, there is no reference to the second request for verification in either rule manual.

Notice of Required Verification:

Federal regulations at 7CFR 273.2(c)(5): Notice of Required Verification. The State agency shall provide each household at the time of application for certification and recertification with a notice that informs the household of the verification requirements the household must meet as part of the application process. The notice shall also inform the household of the State agency's responsibility to assist the household in obtaining required verification provided the household is cooperating with the State agency as specified in (d)(1) of this section.

The notice shall be written in clear and simple language and shall meet the bilingual requirements designated in §272.4(b) of this chapter. At a minimum, the notice shall contain examples of the types of documents the household should provide and explain the period of time the documents should cover.

In addition, this filing updated trafficking definition, updates to PP&D interpretive memos, update of division name, correction of typographical errors, updates program references and reformatting of Vermont Notes.

Specific rule changes by section include:

Definitions

- Updates program references with current program name.
- Updates division name.
- Revises definition of 'Trafficking'.

Application Processing

- Updates program references with current program name.
- Corrects format of Vermont Notes.
- Updates Vermont Note to include the Application Document Processing Center (ADPC), a location where applications are received in addition to local district offices.
- Eliminates the mandated second written contact for verification to applicants prior to determining eligibility.

Action on Households with Special Circumstances

- Updates program references with current program name.
- Corrects format of Vermont Notes.

Rulemaking Process

A. Informal Public Input Process

1. The proposed rule was filed with the Interagency Committee on Administrative Rules (ICAR) on August 2, 2013 and presented at its meeting on August 12, 2013.
2. The proposed rule was filed with the Secretary of State's Office and the Legislative Committee on Administrative Rules (LCAR) on August 13, 2013.
3. The Secretary of State published notice of rulemaking on their website on August 29, 2013.
4. The department posted the proposed rule on its website <http://dcf.vermont.gov/esd/rules> and notified advocates, subscribers, and members of the public of the proposed rule.

B. Formal Notice and Comment Period

A public hearing was held on September 20, 2013 at 9:00 a.m., at 208 Hurricane Lane in Williston, Vermont. There were no public attendees.

1. The comment period on the proposed rules closed on September 27, 2013 at 4:30 p.m. No comments were received.
2. On October 1, 2013 copies of the final proposed rule were filed with the Secretary of State and the Legislative Committee on Administrative Rules (LCAR).
3. The department presented the rule to LCAR on Thursday, November 14, 2013.
4. The department expects to file the final rule on Monday, November 20, 2013.
5. The rule is expected to be effective on December 5, 2013.

Vertical lines in the left margin indicate significant changes. Dotted lines at the left indicate changes to clarify, rearrange, correct references, etc., without changing the regulation content.

Manual Maintenance

3SquaresVT Rules

<u>Remove</u>			<u>Insert</u>
271	(79-01)	271	(13-04)
271.2 P.1-10	(02-08)	271.2 P.1-10	(13-04)
Nothing		271.2 P.11 - 13	(13-04)
273.2 P.3 – 34	(01-05)	273.2 P.3 – 34	(13-04)
Nothing		273.2 P.35 – 38	(13-04)
273.11 P.3	(88-05)	273.11 P.3	(13-04)
Nothing		273.11 P.3a	(13-04)
273.11 P.7-8	(88-05)	273.11 P.7-8	(13-04)
Nothing		273.11 P.8a	(13-04)
273.11 P.9-17	(88-05)	273.11 P.9-17	(13-04)
Nothing		273.11 P.18	(13-04)

TABLE OF CONTENTS

271.1	General purpose and scope
271.2	Definitions
271.7	Allotment Reduction Procedures
273.1	Household Concept
273.2	Application Processing
273.3	Residency
273.4	Citizenship and Alien Status
273.5	Students
273.6	Social Security Numbers
273.7	Work Requirements
273.8	Resource Eligibility Standards
273.9	Income and Deductions
273.10	Determining Household Eligibility and Benefit Levels
273.11	Action on Households With Special Circumstances
273.12	Reporting Changes
273.13	Notice of Adverse Action
273.14	Recertification
273.15	Fair Hearings
273.16	Disqualification for Intentional Program Violation
273.17	Restoration of Lost Benefits
273.18	Claims Against Households
273.20	SSI cash-out States - Not applicable in Vermont.
273.21	Monthly Reporting and Retrospective Budgeting (MRRB)
273.22	Optional Workfare Program
280	Emergency SNAP Assistance for Disaster Victims
280.1	Interim Disaster Procedures

General purpose and scope

271.1 General purpose and scope

a. Purpose of Supplemental Nutrition Assistance Program (SNAP)

The SNAP program is designed to promote the general welfare and to safeguard the health and well being of the Nation's population by raising the levels of nutrition among low-income households. Section 2 of the Food Act of 2008 states, in part:

Congress hereby finds that the limited food purchasing power of low-income households contributes to hunger and malnutrition among members of such households. Congress further finds that increased utilization of food in establishing and maintaining adequate national levels of nutrition will promote the distribution in a beneficial manner of the Nation's agricultural abundance and will strengthen the Nation's agricultural economy, as well as result in more orderly marketing and distribution of foods. To alleviate such hunger and malnutrition, a supplemental nutrition assistance program is herein authorized which will permit low-income households to obtain a more nutritious diet through normal channels of trade by increasing food purchasing power for all eligible households who will apply for participation.

Definitions

271.2 Definitions

"Access Device" means any card, plate, code, account number, or other means of access that can be used alone, or in conjunction with another access device, to obtain payments, allotments, benefits, money, goods, or other things of value, or that can be used to initiate a transfer of funds under the Food and Nutrition Act of 2008, as amended.

"Active case" means a household which was certified prior to, or during, the sample month and issued SNAP benefits for the sample month.

"Active case error rate" means an estimate of the proportion of cases with an error in the determination of eligibility or basis of issuance. This estimate will be expressed as a percentage of the completed active quality control reviews excluding all results from cases processed by SSA personnel or participating in a demonstration project identified by FNS as having certification rules that are significantly different from standard requirements.

"Adequate notice" in a periodic reporting system such as monthly reporting or quarterly reporting means a written notice that includes a statement of the action the agency has taken or intends to take; the reason for the action; the household's right to request a fair hearing; the name of the person to contact for additional information; the availability of continued benefits; and the liability of the household for any overissuances received while awaiting a fair hearing if the hearing official's decision is adverse to the household. Depending on the timing of a State's system and the timeliness of report submission by participating households, such notice may be received prior to agency action, at the time reduced benefits are received, or, if benefits are terminated, at the time benefits would have been received if they had not been terminated. In all cases, however, participants will be allowed ten days from the mailing date of the notice to contest the agency action and to have benefits restored to their previous level. If the 10-day period ends on a weekend or a holiday and a request is received the day after the weekend or holiday, the State agency shall consider the request to be timely.

"Allotment" means the total value of benefits a household is authorized to receive during each month or other time period.

"Application form" means:

1. The application form designed or approved by FNS, which is completed by a household member or authorized representative; or
2. For households consisting solely of public assistance or general assistance recipients, it may also mean the application form used to apply for public assistance or general assistance, including attachments approved by FNS, which is completed by a household member or authorized representative.

"Assessment" An in-depth evaluation of employability skills coupled with counseling on how and where to search for employment. If combined with work experience, employment search or training, an assessment of this nature could constitute part of an approvable employment and training component.

"Authorization to participate card (ATP)" means a document which is issued by the State agency to a certified household to show the allotment the household is authorized to receive on presentation of such document.

VERMONTNOTE: Vermont does not use an ATP.

Definitions

“Base of Eligibles” Employment and training mandatory participants plus persons who volunteer for employment and training participation.

“Beginning month(s)” in a Monthly Reporting and Retrospective Budgeting system means either the first month for which the household is certified for SNAP benefits (where the State agency has adopted a one-month accounting system) or the first month for which the household is certified for SNAP benefits and the month thereafter (where the State agency has adopted a two-month accounting system). For a household which applies for Food Stamps at the same time that it applies for TANF and is eligible in both Programs, the State agency may extend the household an additional beginning month if necessary, to coincide with the household's AFDC budgeting system. Except for beginning months in sequence as described in the preceding sentences, a beginning month cannot be any month which immediately follows a month in which a household is certified. The month following the month of termination resulting from a one-month temporary change in household circumstances shall not be considered a beginning month.

VERMONT NOTE: Monthly Reporting is not applicable in Vermont.

“Budget month” in a Monthly Reporting and Retrospective Budgeting system means the fiscal or calendar month from which the State agency uses income and other circumstances of the household to calculate the household's SNAP allotment to be provided for the corresponding issuance month.

VERMONT NOTE: Monthly Reporting is not applicable in Vermont.

“Bulk storage point” means an office of the State agency or any person, partnership, corporation, organization, political subdivision, or other entity with which a State agency has contracted for, or to which it has assigned responsibility for, the security and storage of food coupons.

“Communal dining facility” means a public or nonprofit private establishment, approved by FNS, which prepares and serves meals for elderly persons, or for supplemental security income (SSI) recipients, and their spouses, a public or private nonprofit establishment (eating or otherwise) that feeds elderly persons or SSI recipients, and their spouses, and federally subsidized housing for the elderly at which meals are prepared for and served to the residents. It also includes private establishments that contract with an appropriate State or local agency to offer meals at concessional prices to elderly persons or SSI recipients, and their spouses.

“Coupons” means any coupon, stamp, type of certificate, authorization card, cash or check issued in lieu of a coupon, or access device, including an electronic-benefit transfer card or personal identification number.

“Coupon issuer” means any office of the State agency or any person, partnership, corporation, organization, political subdivision, or other entity with which a State agency has contracted for, or to which it has assigned responsibility for, the issuance of coupons to households.

“Department” means the U. S. Department of Agriculture.

“Drug addiction or alcoholic treatment and rehabilitation program” means any drug addiction or alcoholic treatment and 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 U. S. C. 300x et seq.). Under part B of title XIX of the Public Health Service Act is defined as meeting the criteria which would make it eligible to receive funds, even if it does not actually receive funding under part B of title XIX.

Definitions

“Elderly or disabled member” means a member of a household who:

1. is 60 years of age or older;
2. receives Supplemental Security Income benefits under Title XVI of the Social Security Act or disability or blindness payments under Titles I, II, X, XIV, or XVI of the Social Security Act;
3. receives Federally or State-administered supplemental benefits under section 1616(a) of the Social Security Act provided that the eligibility to receive the benefits is based upon the disability or blindness criteria used under Title XVI of the Social Security Act;
4. receives Federally or State-administered supplemental benefits under section 212(a) of Public Law 93-66;
5. receives disability retirement benefits from a government agency because of a disability considered permanent under section 221(i) of the Social Security Act;
6. is a veteran with a service-connected or non-service connected disability rated by the Veteran's Administration (VA) as total or paid as total by the VA under Title 38 of the United States Code;
7. is a veteran considered by the VA to be in need of regular aid and attendance or permanently housebound under Title 38 of the United States Code;
8. is a surviving spouse of a veteran and considered by the VA to be in need of regular aid and attendance or permanently housebound or a surviving child of a veteran and considered by the VA to be permanently incapable of self-support under Title 38 of the United States Code;
9. is a surviving spouse or surviving child of a veteran and considered by the VA to be entitled to compensation for a service-connected death or pension benefits for a non-service connected death under Title 38 of the United States Code and has a disability considered permanent under section 221(i) of the Social Security Act. “Entitled” as used in this definition refers to those veterans' surviving spouses and surviving children who are receiving the compensation or pension benefits stated or have been approved for such payments but are not yet receiving them;
10. receives an annuity payment under section 2(a)(1)(iv) of the Railroad Retirement Act of 1974 and is determined to be eligible to receive Medicare by the Railroad Retirement Board; or section 2(a)(1)(v) of the Railroad Retirement Act of 1974 and is determined to be disabled based upon the criteria used under Title XVI of the Social Security Act; or
11. (Definition not applicable to Vermont.)

“Eligible foods” means (1) any food or food product intended for human consumption except alcoholic beverages, tobacco, and hot foods and hot food products prepared for immediate consumption; (2) seeds and plants to grow foods for the personal consumption of eligible households; (3) meals prepared and delivered by an authorized meal delivery service to households eligible to use coupons to purchase delivered meals; or meals served by an authorized communal dining facility for the elderly, for SSI households or both, to households eligible to use coupons for communal dining; (4) meals prepared and served by a drug addict or alcoholic treatment and rehabilitation center to narcotic addicts or alcoholics and their children who live with them; (5) meals prepared and served by a group living arrangement facility to residents who are blind or disabled as defined in paragraphs 2 through 11 of the definition of

Definitions

“Elderly or disabled member” contained in this section; (6) meals prepared by and served by a shelter for battered women and children to its eligible residents; (7) in the case of certain eligible households living in areas of Alaska where access to food stores is extremely difficult and the households rely on hunting and fishing for subsistence, equipment for the purpose of procuring food for eligible households, including nets, lines, hooks, fishing rods, harpoons, knives, and other equipment necessary for subsistence hunting and fishing but not equipment for the purpose of transportation, clothing, or shelter nor firearms, ammunition or other explosives; (8) in the case of homeless SNAP households, meals prepared for and served by an authorized public or private nonprofit establishment (e.g. soup kitchen, temporary shelter), approved by an appropriate State or local agency, that feeds homeless persons; and (9) in the case of homeless food stamp households, meals prepared by a restaurant which contracts with an appropriate State agency to serve meals to homeless persons at concessional (low or reduced) prices.

“Employment and Training Component (E&T)” A work experience, work training or job search program, as described in section 6(d)(B)(iv) of the Food and Nutrition Act of 2008 [7 U. S. C. 2014(2)(4)(B)] designed to help SNAP recipients move promptly into unsubsidized employment.

“Employment and Training Mandatory Participant (E&T)” A SNAP program applicant or participant who is required to work register under 7 U. S. C. 2014(d)(1) or (2) and who the State determines should not be exempted from participation in an employment and training program.

“Employment and Training Program (E&T)” A program operated by each State agency consisting of one or more work, training, education or job search components.

“Exempted” For purposes of 273.7 excluding paragraphs (a) and (b)--this term refers to a work-registered person or persons excused by the State, under the conditions in 273.7(f) from participation in an employment and training program.

“Expunged EBT benefits” means unused benefits that revert to the SNAP Program from the EBT benefit account when they have not been accessed by a household for 270 days. A household loses its entitlement to expunged EBT food account benefits and they cannot be reactivated. Expunged EBT benefits are sometimes referred to as being “aged-off.”

“Federal fiscal year” means a period of 12 calendar months beginning with each October 1 and ending with September 30 of the following calendar year.

“Firm's practice” means the usual manner in which personnel of a firm or store accept food coupons as shown by the actions of the personnel at the time of the investigation.

“FNS” means the Food and Consumer Service of the U.S. Department of Agriculture.

“Food Stamp Act” means the Food Stamp Act of 1977 (Pub.L- 95-113), including any subsequent amendments thereto.

“General Assistance (GA)” means cash or another form of assistance, excluding in-kind assistance, financed by State or local funds as part of a program which provides assistance to cover living expenses or other basic needs intended to promote the health or well-being of recipients.

Definitions

“Group living arrangement” means a public or private nonprofit residential setting that serves no more than sixteen residents that is certified by the appropriate agency or agencies of the State under regulations issued under Section 1616(e) of the Social Security Act or under standards determined by the Secretary to be comparable to standards implemented by appropriate State agencies under section 1616(e) of the Social Security Act. To be eligible for SNAP benefits, a resident of such a group living arrangement must be blind or disabled as defined in paragraphs 2 through 11 of the definition of “Elderly or disabled member” contained in this section.

“Homeless individual” means an individual who lacks a fixed and regular nighttime residence or an individual whose primary nighttime residence is:

1. A supervised shelter designed to provide temporary accommodations (such as a welfare hotel or congregate shelter);
2. A halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized;
3. A temporary accommodation, for not more than 90 days, in the residence of another individual; or
4. A place not designed for, or ordinarily used, as a regular sleeping accommodation for human beings (a hallway, a bus station, a lobby or similar places).

“Homeless meal provider” means (1) A public or private nonprofit establishment (e.g., soup kitchens, temporary shelters) that feed homeless persons; or (2) A restaurant which contracts with an appropriate State agency to offer meals at concessional (low or reduced) prices to homeless persons.

“House-to-house trade route” means any retail food business operated from a truck, bus, pushcart, or other mobile vehicle.

“Identification (ID) Card” means a card which identifies the bearer as eligible to receive and use food coupons.

“Immigration and Naturalization Service (INS)” means the Immigration and Naturalization Service, U. S. Department of Justice.

“Insured financial institution” means a financial institution insured by the Federal Deposit Insurance Corporation (FDIC) or the Federal Savings and Loan Insurance Corporation (FSLIC).

“Insured financial institution” means a financial institution insured by the Federal Deposit Insurance Corporation (FDIC) or the Federal Savings and Loan Insurance Corporation (FSLIC).

“Issuance month” in a Monthly Reporting and Retrospective Budgeting system means the fiscal or calendar month for which the State agency shall issue a SNAP benefits. Issuance is based upon income and circumstances in the corresponding budget month. In prospective budgeting, the budget month and issuance month are the same. In retrospective budgeting, the issuance month follows the budget month and the issuance month shall begin within 32 days after the end of the budget month. (NOTE: Issuance month corresponds to payment month in TANF.)

Definitions

“Meal delivery service” means a political subdivision, a private nonprofit organization, or a private establishment with which a State or local agency has contracted for the preparation and delivery of meals at concessional prices to elderly persons, and their spouses, and to the physically or mentally handicapped and persons otherwise disabled, and their spouses, such that they are unable to adequately prepare all of their meals.

“Medicaid” means medical assistance under title XIX of the Social Security Act as amended.

“Minimum benefit” means the minimum monthly amount of SNAP benefits that one- and two-person households receive.

“Newly Work Registered” SNAP participants work registered at the point of application.

“Nonprofit cooperative food purchasing venture” means any private nonprofit association of consumers whose members pool their resources to buy food.

“Offset year” means the calendar year during which offsets may be made to collect certain recipient claims from individuals' federal income tax refunds.

“Overissuance” means the amount by which SNAP benefits issued to a household exceeds the amount it was eligible to receive.

“Overpayment error rate” means the percentage of the value of all allotments issued in a fiscal year that are either: (1) issued to households that fail to meet basic program eligibility requirements, or (2) overissued to eligible households.

“Payment error rate” means the sum of the point estimates of two component error rates: an overpayment error rate and an underpayment error rate. Each component error rate is the value of SNAP benefits either overissued or underissued expressed as a percentage of all allotments issued to completed active sample cases, excluding those cases processed by SSA personnel or participating in certain demonstration projects designated by FNS.

“Placed in an Employment and Training Program (E&T)” A State agency may count a person as “placed” in an employment and training program when the individual commences a component or is sent a Notice of Adverse Action (NOAA) for noncompliance with a SNAP employment and training requirement. Persons who refuse to work register or who voluntarily quit a job and are sent a NOAA may not be considered “placed”.

“Program” means the Supplemental Nutrition Assistance Program conducted under the Food and Nutrition Act and regulations.

“Project area” means the county or similar political subdivision designated by a State as the administrative unit for program operations. Upon prior FNS approval, a city, Indian reservation, welfare district, or any other entity with clearly defined geographic boundaries, or any combination of such entities, may be designated as a project area, or a State as a whole may be designated as a single project area.

“Prospective budgeting” in a Monthly Reporting and Retrospective Budgeting system means the computation of a household's SNAP benefit for an issuance month based on an estimate of income and circumstances which will exist in that month.

Definitions

“Public Assistance (PA)” means Supplemental Security Income/Aid to the Aged, Blind, or Disabled (SSI/AABD) combined benefits, the AABD state supplement to SSI, and Reach Up financial assistance.

“Qualified Alien” means an alien who, at the time of application or receipt of SNAP benefits, is one of the following:

- (1) An alien lawfully admitted for permanent residence as defined in section 101(a)(2) of the Immigration and Nationality Act (INA).
- (2) An alien who is granted asylum under section 208 of the INA.
- (3) A refugee who is admitted to the United States under section 207 of the INA.
- (4) An alien who is paroled into the United States under section 212(d)(5) of the INA for a period of at least one year.
- (5) An alien whose deportation is being withheld under section 243(h) of the INA or whose removal is being withheld under section 241(b)(3) after April 1, 1997.
- (6) An alien who is granted conditional entry under section 203(a)(7) of the INA as in effect prior to April 1, 1980.
- (7) An alien battered or subjected to extreme cruelty in the United States, when all of the following three conditions are true:
 - a.. The person responsible for the battery or cruelty is the aliens spouse or parent, or the aliens spouse or parent consented to or acquiesced in the battery or cruelty by a family member residing in the same household as the alien. In addition, the person responsible for the battery or cruelty must be living apart from the victim for the alien to qualify for SNAP benefits.
 - b. There is substantial connection between the battery or cruelty and the need for benefits, as determined by the United States Attorney General.
 - c. The alien has been approved or has a petition pending for:
 - i. status as a spouse or child of a United States citizen, pursuant to clause (ii), (iii), or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act,
 - ii. classification pursuant to clause (ii) or (iii) of section 204 (a)(1)(B) of the Act,
 - iii. suspension of deportation and adjustment of status pursuant to section 244(a)(3) of the Act, or
 - iv. status as a spouse or child of a United States citizen pursuant to clause (i) of section 204(a)(1)(A) of the Act or classification pursuant to clause (i) of section 204(a)(1)(B) of the Act.

Definitions

- (8) An alien whose child was battered or subjected to extreme cruelty in the United States, when all of the following conditions are true:
- a.. The person responsible for the battery or cruelty was the aliens spouse or parent, or the aliens spouse or parent consented or acquiesced in the battery or cruelty by a family member residing in the same household as the alien. In addition, the person responsible for the battery or cruelty must be living apart from the victim for the alien to qualify for SNAP benefits.
 - b. The alien did not actively participate in the battery or cruelty.
 - c. There is a substantial connection between the battery or cruelty and the need for benefits, as determined by the United States Attorney General.
 - d. The alien meets one of the provisions of 7 (c) above.
- (9) An alien child residing in the same household as a parent who was battered or subjected to extreme cruelty in the United States, when all of the following conditions are true:
- a.. The person responsible for the battery or extreme cruelty was the parents spouse or a member of the spouses family residing in the same household as the parent. In addition, the person responsible for the battery or cruelty must be living apart from the victim for the alien child to qualify for SNAP benefits.
 - b. There is substantial connection between the battery or cruelty and the need for benefits, as determined by the United States Attorney General.
 - c. The alien child meets one of the provisions of 7(c) above.
- (10) An alien who is a Cuban or Haitian entrant, as defined in section 501(e) of the Refugee Education Assistance Act of 1980.

“Quality control review” means a review of a statistically valid sample of active and negative cases to determine the extent to which households are receiving the SNAP benefits to which they are entitled, and to ensure that negative cases are not incorrectly denied or terminated.

“Record-for-issuance file” means a file which is created monthly from the master issuance file, which shows the amount of benefits each eligible household is to receive for the issuance month, and the amount actually issued to the household.

“Regulations” means the provisions of this subchapter. Regulatory citations refer to provisions of the subchapter unless otherwise specified.

“Reservation” means the geographically defined area or areas over which an ITO exercises governmental jurisdiction so long as such area or areas are legally recognized by the Federal or a State government as being set aside for the use of Indians.

“Retail food store” means (1) an establishment or recognized department of an establishment, or a house-to-house trade route, whose eligible food sales volume as determined by visual inspection, sales records, purchase records, or other inventory or accounting record keeping methods are customary or reasonable in the retail food industry is more than 50 percent staple food items for home preparation and

Definitions

consumption; (2) public or private communal dining facilities and meal delivery services; private non-profit drug addict or alcoholic treatment and rehabilitation programs; publicly operated community mental health centers which conduct residential programs for drug addicts and/or alcoholics; public or private nonprofit group living arrangements; public or private nonprofit shelters for battered women and children; public or private nonprofit establishments, approved by an appropriate State or local agency, that feed homeless persons; or a restaurant that contracts with an appropriate State agency to provide meals at concessional (low or reduced) prices to homeless SNAP households; (3) any stores selling equipment for procuring food by hunting and fishing to eligible households in Alaska, as specified in the definition of eligible foods; (4) any private nonprofit cooperative food purchasing venture, including those whose members who pay for food prior to receipt of the food; and (5) a farmers' market.

"Retrospective budgeting" in a Monthly Reporting and Retrospective Budgeting system means the computation of a household's SNAP benefits for an issuance month based on actual income and circumstances which existed in a previous month, the "budget month".

VERMONT NOTE: Monthly Reporting is not applicable in Vermont.

"Review date" for quality control active cases means a day within the sample month, either the first day of the calendar or fiscal month or the day the household was certified, whichever is later. The "review date" for negative cases is the date of the agency's decision to deny or terminate program benefits. For no case is the "review date" the day the QC review is conducted.

"Review period" means the 12-month period from October 1 of each calendar year through September 30 of the following calendar year.

"Sample frame" means a list of all units from which a sample is actually selected.

"Sample month" means the month of the sample frame from which a case is selected (e.g., for all cases selected from a frame consisting of households participating in January, the sample month is January).

"Screening" means an evaluation by the eligibility worker as to whether a person should or should not be referred for participation in an employment and training program. This activity would not be considered an approvable E & T component.

"Secretary" means the Secretary of the U. S. Department of Agriculture.

"Shelter for battered women and children" means a public or private nonprofit residential facility that serves battered women and their children. If such a facility serves other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered women and children.

"Spouse" refers to either of two individuals:

1. who would be defined as married to each other under applicable State law; or
2. who are living together and are holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors, or trades people.

"Supplemental Nutrition Assistance Program (SNAP)" means the food program conducted under the Food and Nutrition Act of 2008.

Definitions

VERMONT NOTE: In Vermont, this is known as the Three Squares Vermont (3SVT) and formerly known as the Food Stamp Program.

“SSA processed/demonstration case” means a case that is participating or has been denied based upon processing by SSA personnel or is participating or has been denied/terminated based upon the rules of a demonstration project with significantly different certification rules (as identified by FNS).

“Stale EBT benefits” means unused benefits that have become inactive because a SNAP household has not used any benefits from the EBT benefit account for a 90-day period. A household retains its entitlement to stale benefits, sometimes referred to as “aged” benefits, and may have the benefits reactivated at any time within 180 days of becoming stale. After 180 days, stale EBT food benefits are expunged from the EBT account and cannot be reactivated.

“Staple food” means those food items intended for home preparation and consumption, which include meat, poultry, fish, bread and breadstuffs, cereals, vegetables, fruits, fruit and vegetable juices, and dairy products. Accessory food items, such as coffee, tea, cocoa, carbonated and uncarbonated drinks, candy, condiments, and spices are not staple foods for the purpose of qualifying a firm to participate in the program as a retail store or as a wholesale food concern.

“State” means any one of the 50 States, the District of Columbia, Guam, the Virgin Islands of the United States, and the reservation of an Indian tribe whose ITO meets the requirements of the SNAP Act for participation as a State agency.

“State agency” means the agency of the State government, including the local offices thereof, which has the responsibility for the administration of the federally aided public assistance programs within the State and in those States where such assistance programs are operated on a decentralized basis, it includes the counterpart local agencies which administer such assistance programs for the State agency.

VERMONT NOTE: The state agency is the Division of Economic Services.

“State Income and Eligibility Verification System (IEVS)” means a system of information acquisition and exchange for purposes of income and eligibility verification which meets the requirements of Section 1137 of the Social Security Act, generally referred to as the IEVS.

“State Wage Information Collection Agency (SWICA)” means the State agency administering the State unemployment compensation law, another agency administering a quarterly wage reporting system, or a State agency administering an alternative system which has been determined by the Secretary of Labor, in consultation with the Secretary of Agriculture and the Secretary of Health and Human Services, to be as effective and timely in providing employment related income and eligibility data as the two just mentioned agencies.

“Shelter for battered women and children” means a public or private nonprofit residential facility that serves battered women and their children. If such a facility serves other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered women and children.

Definitions

“Spouse” refers to either of two individuals:

1. who would be defined as married to each other under applicable State law: or
2. who are living together and are holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors, or trades people.

“Supplemental Nutrition Assistance Program (SNAP)” means the food program conducted under the Food and Nutrition Act of 2008.

VERMONT NOTE: In Vermont, this is known as the Three Squares Vermont (3SVT) and formerly known as the Food Stamp Program.

“SSA processed/demonstration case” means a case that is participating or has been denied based upon processing by SSA personnel or is participating or has been denied/terminated based upon the rules of a demonstration project with significantly different certification rules (as identified by FNS).

“Stale EBT benefits” means unused benefits that have become inactive because a SNAP household has not used any benefits from the EBT benefit account for a 90-day period. A household retains its entitlement to stale benefits, sometimes referred to as “aged” benefits, and may have the benefits reactivated at any time within 180 days of becoming stale. After 180 days, stale EBT food benefits are expunged from the EBT account and cannot be reactivated.

“Staple food” means those food items intended for home preparation and consumption, which include meat, poultry, fish, bread and breadstuffs, cereals, vegetables, fruits, fruit and vegetable juices, and dairy products. Accessory food items, such as coffee, tea, cocoa, carbonated and uncarbonated drinks, candy, condiments, and spices are not staple foods for the purpose of qualifying a firm to participate in the program as a retail store or as a wholesale food concern.

“State” means any one of the 50 States, the District of Columbia, Guam, the Virgin Islands of the United States, and the reservation of an Indian tribe whose ITO meets the requirements of the SNAP Act for participation as a State agency.

“State agency” means the agency of the State government, including the local offices thereof, which has the responsibility for the administration of the federally aided public assistance programs within the State and in those States where such assistance programs are operated on a decentralized basis; it includes the counterpart local agencies which administer such assistance programs for the State agency.

VERMONT NOTE: The State agency is the Economic Services Division,

“State Income and Eligibility Verification System (IEVS)” means a system of information acquisition and exchange for purposes of income and eligibility verification which meets the requirements of Section 1137 of the Social Security Act, generally referred to as the IEVS.

Definitions

“State Wage Information Collection Agency (SWICA)” means the State agency administering the State unemployment compensation law, another agency administering a quarterly wage reporting system, or a State agency administering an alternative system which has been determined by the Secretary of Labor, in consultation with the Secretary of Agriculture and the Secretary of Health and Human Services, to be as effective and timely in providing employment related income and eligibility data as the two just mentioned agencies.

“Sub-units” means the physical location of an organizational entity within a project area/management unit involved in the operation of SNAP, excluding Post Offices.

“Supplemental Security Income (SSI)” means monthly cash payments made under the authority of:

1. Title XVI of the Social Security Act, as amended, to the aged, blind and disabled (Federal SSI); or
2. section 1616(a) of the Social Security Act (optional State supplementation); or
3. section 212 (a) of Public Law 93-66 (mandatory minimum State supplementation).

“Systematic Alien Verification for Entitlements (SAVE)” means the INS program whereby State agencies may verify the validity of documents provided by aliens applying for SNAP benefits by obtaining information from a central data file.

“Thrifty Food Plan” means the diet required to feed a family of four persons consisting of a man and a woman 20 through 50, a child 6 through 8, and a child 9 through 11 years of age, determined in accordance with the Secretary's calculations. The cost of such diet shall be the basis for uniform allotments for all households regardless of their actual composition. In order to develop maximum SNAP allotments, the Secretary shall make household size and other adjustments in the Thrifty Food Plan taking into account economies of scale and other adjustments as required by law.

“Trafficking” means:

1. The buying, selling, stealing or otherwise effecting an exchange of SNAP benefits issued and accessed via Electronic Benefits Transfer (EBT) cards, card numbers and personal identification numbers (PINS), or by manual voucher and signature, for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone;
2. The exchange of firearms, ammunition, explosives, or controlled substances, as defined in section 802 of title 21, United States Code, for SNAP benefits;
3. Purchasing a product with SNAP benefits that has a container requiring a return deposit with the intent of obtaining cash by discarding the product and intentionally returning the container for the deposit amount, intentionally discarding the product, and intentionally returning the container for the deposit amount;

Definitions

4. Purchasing a product with SNAP benefits with the intent of obtaining cash or consideration other than eligible food by reselling the product, and subsequently intentionally reselling the product purchased with SNAP benefits in exchange for cash or consideration other than eligible food; or
5. Intentionally purchasing products originally purchased with SNAP benefits in exchange for cash or consideration other than eligible food.

“Underissuance” means the amount by which the allotment to which the household was entitled exceeds the allotment which the household received.

“Underissuance error rate” (See Underpayment error rate.)

“Underpayment error rate” means the ratio of the value of allotments underissued to recipient households to the total value of allotments issued in a fiscal year by a State agency.

“Universe” means all units for which information is desired.

“Variance” means the incorrect application of policy and/or a deviation between the information that was used to authorize the sample month issuance and the verified information that should have been used to calculate the sample month issuance.

VERMONT NOTE:

- “Cash-Out” means the SSI/Elderly Cash-Out Demonstration Project. Vermont was a test site for this one-year project. Legislation has provided for continuance.
- “Cash-Out Household” means a SNAP household in which all members are either in receipt of SSI/AABD or 65 years old or older.

“Wholesale food concern” means an establishment which sells eligible food to retail food stores or to meal services for resale to households.

Application Processing

Residents of public institutions who apply for SNAP benefits prior to their release from the institution shall be certified in accordance with 273.2(g)(1) or 273.2(i)(3)(i), as appropriate. Each household has the right to file an application form on the same day it contacts the SNAP Office during office hours. The household shall be advised that it does not have to be interviewed before filing the application and may file an incomplete application form as long as the form contains the applicant's name and address, and is signed by a responsible member of the household or the household's authorized representative. State agencies shall document the date and application was filed by recording on the application the date it was received by the SNAP Office. When a resident of an institution is jointly applying for SSI and SNAP benefits prior to leaving the institution, the filing date of the application to be recorded by the State Agency on the SNAP application is the date of release of the applicant from the institution.

VERMONT NOTE: Time calculations and dating shall be from date received by a District Office or by the Application Document Processing Center.

VERMONT NOTE: SSI-only households may also apply at the Social Security Office. Time calculations and dating shall be from the date received at Social Security.

2. Contacting the SNAP Office

- i. State Agencies shall encourage households to file an application form the same day the household or its representative contacts the SNAP office in person or by telephone and expresses interest in obtaining SNAP benefits. If a household contacting the SNAP office by telephone does not wish to come to the appropriate office to file the application that same day and instead prefers receiving an application through the mail, the State Agency shall mail the application form to the household on the same day the telephone request is received. An application shall also be mailed on the same day a written request for food assistance is received.
- ii. Where a project area has designated certification offices to serve specific geographic areas, households may contact an office other than the one designated to service the area in which they reside. When a household contacts the wrong certification office within a project area in person or by telephone, the certification office shall, in addition to meeting the requirements in paragraph (c)(2)(i) of this section, give the household the address and telephone number of the appropriate office. The certification office shall also offer to forward the household's application to the appropriate office that same day if the household has completed enough information on the application to file. The household shall be informed that its application will not be considered filed and the processing standards shall not begin until the application is received by the appropriate office. If the household has mailed its application to the wrong office within a project area, the certification office shall mail the application to the appropriate office on the same day.

Application Processing

- iii. In State Agencies that elect to have statewide residency, as provided in 273.3, the application processing timeframes begin when the application is filed in any SNAP office in the State.

3. Availability of the Application Form

The State Agency shall make application forms readily accessible to potentially eligible households. The State Agency shall also provide an application form to anyone who requests the form.

VERMONT NOTE: Applications will be made readily available to those groups and organizations involved in outreach efforts.

4. Notice of right to file

The State agency shall post signs in the certification office which explain the application processing standards and the right to file an application on the day of initial contact. The State agency shall include similar information about same day filing on the application form.

5. Notice of Required Verification

The State agency shall provide each household at the time of application for certification and recertification with a notice that informs the household of the verification requirements the household must meet as part of the application process. The notice shall also inform the household of the State agency's responsibility to assist the household in obtaining required verification provided the household is cooperating with the State agency as specified in (d)(1) of this section. The notice shall be written in clear and simple language and shall meet the bilingual requirements designated in 272.4(b) of this chapter. At a minimum, the notice shall contain examples of the types of documents the household should provide and explain the period of time the documents should cover.

6. Withdrawing application

The household may voluntarily withdraw its application at any time prior to the determination of eligibility. The State agency shall document in the case file the reason for withdrawal, if any was stated by the household, and that contact was made with the household to confirm the withdrawal. The household shall be advised to its right to reapply at any time subsequent to a withdrawal.

d. Household Cooperation

1. To determine eligibility, the application form must be completed and signed, the household or its authorized representative must be interviewed, and certain information on the application must be verified. If the household refuses to cooperate with the State agency in completing this process, the application shall be denied at the time of refusal. For a determination of refusal to be made, the household must be able to cooperate, but clearly demonstrate that it will not take actions that it can take and that are required to complete the application process. For example, to

Application Processing

be denied for refusal to cooperate, a household must refuse to be interviewed not merely failing to appear for the interview. If there is any question as to whether the household has merely failed to cooperate, as opposed to refused to cooperate, the household shall not be denied. The household shall also be determined ineligible if it refuses to cooperate in any subsequent review of its eligibility, including reviews generated by reported changes and applications for recertification. Once denied or terminated for refusal to cooperate, the household may reapply but shall not be determined eligible until it cooperates with the State agency. The State agency shall not determine the household to be ineligible when a person outside the household fails to cooperate with a request for verification. The State agency shall not consider individuals identified as nonhousehold members under 273.1(b)(2) as individuals outside the household.

VERMONT NOTE: For an application or recertification to be considered complete, the applicant or recipient must provide information about whether any members of the household have been convicted of a felony involving possession, use, or distribution of a controlled substance for an act committed after August 22, 1996.

2. In addition, the household shall be determined ineligible if it refuses to cooperate in any subsequent review of its eligibility as a part of a quality control review. If a household is terminated for refusal to cooperate with a quality control reviewer, in accordance with 275.3(c)(5) or 275.12 (g)(1)(ii), the household may reapply but shall not be determined eligible until it cooperates with the quality control reviewer. If a household terminated for refusal to cooperate with a State quality control reviewer reapplies after 95 days from the end of the annual review period, the household shall not be determined ineligible for its refusal to cooperate with a State quality control reviewer during the completed review period, but must provide verification in accordance with 273.2(f)(1)(ix). If a household terminated for refusal to cooperate with a Federal quality control reviewer reapplies after seven months from the end of the annual review period, the household shall not be determined ineligible for its refusal to cooperate with a Federal quality control reviewer during the completed review period, but must provide verification in accordance with 273.2(f)(1)(ix).

NOTE: Policy sections 275.3(c)(5) and 275.12 (g)(1)(ii) are not part of the State policy manual. These sections of Federal regulations explain that refusal to cooperate means that the household must be able to cooperate and is unwilling to do so, after having been given every reasonable opportunity, and that Federal reviews will meet the same standards as State reviews.

e. Interviews

1. All applicant households, including those submitting applications by mail, shall have face-to-face interviews in a SNAP office or other certification site with a qualified eligibility worker prior to initial certification and all recertification. The applicant may bring any person he or she chooses to the interview. The individual interviewed may be the head of household, spouse, any other responsible member of the household, or an authorized representative. The interviewer shall not simply review the information that appears on the application, but shall explore and resolve with the household unclear and incomplete information. Households shall

Application Processing

be advised of their rights and responsibilities during the interview, including the appropriate application processing standard and the households' responsibility to report changes. The interview shall be conducted as an official and confidential discussion of household circumstances. The applicant's right to privacy shall be protected during the interview. Facilities shall be adequate to preserve the privacy and confidentiality of the interview.

2. The office interview shall be waived if requested by any household which is unable to appoint an authorized representative and which has no household members able to come to the SNAP Office because they are elderly or disabled as defined in 271.2. The office interview shall also be waived if requested by any household which is unable to appoint an authorized representative and lives in a location which is not served by a certification office. The State agency shall waive the office interview on a case-by-case basis for any household which is unable to appoint an authorized representative and which has no household members able to come to the SNAP Office because of Vermont transportation difficulties or similar hardships which the State agency determines warrants a waiver of the office interview. These hardship conditions include, but are not limited to: Illness, care of a household member, hardships due to residency in a rural area, prolonged severe weather, or work or training hours which prevent the household from participating in an in-office interview. The State agency shall determine if the transportation difficulty or hardship reported by a household warrants a waiver of the office interview and shall document in the case file why a request for a waiver was granted or denied.

VERMONT NOTE:

- Case by case waiver decisions shall be made by the District Director or the Director's designee.
- Unable, as used above, shall not be used to require an applicant to divulge confidential information to a third party if they object to doing so.
- There is no area in Vermont not served by a certification office as provided in 7 CFR 272.5.
- i The State agency has the option of conducting a telephone interview or a home visit for those households for whom the office interview is waived. Home visits shall be used only if the time of the visit is scheduled in advance with the household.

SNAP certification may be done in conjunction with a non-scheduled PA home visit. The recipient has the right to refuse the SNAP portion of the interview, but cannot be certified unless all SNAP eligibility factors are met.

VERMONT NOTE: Home visits to persons without a telephone listing screened potentially eligible for expedited service, may be made without advance schedule. The applicant has the right to refuse this nonscheduled interview, but by doing so forfeits

Application Processing

their rights to expedited service. The household must subsequently meet interview requirements prior to certification.

SNAP certification may be done in conjunction with a non-scheduled PA home visit. The recipient has the right to refuse the SNAP portion of the interview, but cannot be certified unless all SNAP eligibility factors are met.

- ii Waiver of the face-to-face interview does not exempt the household from the verification requirements, although special procedures may be used to permit the household to provide verification and thus obtain its benefits in a timely manner, such as substituting a collateral contact in cases where documentary verification would normally be provided.
 - iii Waiver of the face-to-face interview shall not affect the length of the household's certification period.
3. The State agency shall schedule all interviews as promptly as possible to insure eligible households receive an opportunity to participate within 30 days after the application is filed. If a household fails to appear for the first interview, the State agency shall attempt to schedule another interview. The interview shall be rescheduled by the State agency without requiring the household to provide good cause for failing to appear. However, if the household does not appear for the rescheduled interview, the State agency need not initiate action to schedule any further interviews unless the household requests that another interview be scheduled.

f. Verification

Verification is the use of third-party information or documentation to establish the accuracy of statements on the application.

1. Mandatory Verification

State agencies shall verify the following information prior to certification for households initially applying:

i Gross Nonexempt Income

Gross nonexempt income shall be verified for all households prior to certification. However, where all attempts to verify the income have been unsuccessful because the person or organization providing the income has failed to cooperate with the household and the State agency, and all other sources of verification are unavailable, the eligibility worker shall determine an amount to be used for certification purposes based on the best available information.

Application Processing

ii Alien Status

- A. Based on the application, the State agency shall determine if members identified as aliens are eligible aliens, as defined in 273.4(a)(2) through (a)(5), by requiring that the household present verification for each alien member.
- B. Aliens in the categories specified in 273.4(a)(3), (4) and (5) shall present an Immigration and Naturalization Service (INS) form I-551, or such other documents which identify the aliens' immigration status and which the state agency determines are reasonable of the aliens' immigration status.
- C. Aliens in the categories specified in 273.4(a)(2) shall present an INS form I 94: "Arrival Departure Record" or other documents which identify the aliens' immigration status and which the State agency determines are reasonable evidence of the aliens' immigration status. The State agency shall accept the INS form I 94 as verification of eligible alien status only if the form is annotated with section 207, 208, 212(d)(5), or section 243(h) of the Immigration and Nationality Act or if the form is annotated with any one of the following terms or a combination of the following terms: refugee, parolee, paroled, or asylum. An INS form I 94 annotated with any one of the letters (A) through (L) shall be considered verification of ineligible alien status unless the alien can provide other documentation from INS which indicates that the alien is eligible.

If the INS form I 94 does not bear any of the above annotations and the alien has no other verification of alien classification in his or her possession, the State agency shall advise the alien to submit form G 641, Application for Verification of Information from Immigration and Naturalization Service Records, to INS. State agencies shall accept this form when presented by the alien and properly annotated at the bottom by an INS representative as evidence of lawful admission for permanent residence or parole for humanitarian reasons.

The alien shall also be advised that classification under Section 207, 208, 212(d)(5), or 243 (h) of the Immigration and Nationality Act shall result in eligible status; that the alien may be eligible if acceptable verification is obtained; and that the alien may contact INS, as stated previously, or otherwise obtain the necessary verification or, if the alien wishes and signs a written consent, that the State agency will contact INS to obtain clarification of the alien's status. If the alien does not wish to contact INS, the household shall be given the option of withdrawing its application or participating without that member.

- D. The State agency is responsible to offer to contact INS when the alien has an INS document that does not clearly indicate eligible or ineligible alien status. The State agency does not need to offer to contact INS on the alien's behalf when the alien does not provide an INS document. However, when State agencies accept non-INS

Application Processing

documentation determined to be reasonable evidence of the alien's immigration status as specified in paragraphs (f)(1)(ii)(B), and (C) of this section, the State agency shall photocopy the document and transmit the photocopy to INS for verification. Pending such verification, the State agency shall not delay, deny, reduce or terminate the individual's eligibility for benefits on the basis of the individual's immigration status. The State agency does not need to receive the alien applicant's written consent in order to transmit the photocopy to INS.

- E. The State agency shall provide alien applicants with a reasonable opportunity to submit acceptable documentation of their eligible alien status as of the 30th day following the date of application. A reasonable opportunity shall be at least 10 days from the date of the State agency's request for an acceptable document. When the State agency accepts non-INS documentation as specified in paragraphs (f)(1)(ii)(B), and (C) of this section and fails to provide an alien applicant with a reasonable opportunity as of the 30th day following the date of application, the State agency shall provide the household with benefits no later than 30 days following the date of application provided the household is otherwise eligible.
- F. Except as specified in paragraphs (f)(1)(ii)(F) and (f)(10)(i) of this section, the alien applicant whose status is questionable shall be ineligible until the alien provides acceptable documentation. The income and resources of the ineligible alien shall be treated in the same manner as a disqualified individual set forth in 273.11(c), and shall be considered available in determining the eligibility of any remaining members.

iii Utility Expenses

The State agency shall verify a household's utility expenses if the household wishes to claim expenses in excess of the State agency's utility standard and the expense would actually result in a deduction. If the household's actual utility expenses cannot be verified before the 30 days allowed to process the application expire, the State agency shall use the standard utility allowance provided the household is entitled to use the standard as specified in Section 273.9(d). If the household wishes to claim expenses for an unoccupied home, the State agency shall verify the household's actual utility expenses for the unoccupied home in every case and shall not use the standard utility allowance.

iv Medical Expenses

The amount of any medical expenses (including the amount of reimbursements) deductible under 273.9(d)(3) shall be verified prior to initial certification. Verification of other factors, such as the allowability of services provided or the eligibility of the person incurring the cost, shall be required if questionable.

Application Processing

v. Social Security Numbers

The State agency shall verify the Social Security Number(s) (SSN) reported by the household by submitting them to the Social Security Administration (SSA) for verification according to procedures established by SSA. The State agency shall not delay certification for issuance of benefits to an otherwise eligible household solely to verify the SSN of a household member.

Once an SSN has been verified, the State shall make a permanent annotation to its file to prevent the unnecessary reverification of the SSN in the future. State agencies shall accept as verified a SSN which has been verified by another program participating in the IEVS described in 272.8. If an individual is unable to provide a SSN or does not have a SSN, the State Agency shall require the individual to submit Form SS 5, Application for a Social Security Number, to the SSA in accordance with procedures in 273.6. A completed SSA Form 2853 shall be considered proof of application for a SSN for a newborn infant.

VERMONT NOTE: Section 272.8 is a section of the Code of Federal Regulations (CFR) that is not a part of the 3SquaresVT Rules Manual. It details State requirements for an Income and Eligibility Verification System (IEVS).

vi. Residency

The residency requirements of 273.3 shall be verified except in unusual cases (such as homeless households, some migrant farm worker households or households newly arrived in a project area) where verification of residency cannot reasonably be accomplished. Verification of residency should be accomplished to the extent possible in conjunction with the verification of other information such as, but not limited to, rent and mortgage payments, utility expenses, and identity. If verification cannot be accomplished in conjunction with the verification of other information, then the State Agency shall use a collateral contact or other readily available documentary evidence. Documents used to verify other factors of eligibility should normally suffice to verify residency as well. Any documents or collateral contact which reasonably establishes the applicant's residency must be accepted and no requirement for a specific type of verification may be imposed. No durational residency requirement shall be established.

vii. Identity

The identity of the person making application shall be verified. Where an authorized representative applies on behalf of a household, the identity of both the authorized representative and the head of household shall be verified. Identity may be verified through readily available documentary evidence, or if this is unavailable, through a collateral contact. Examples of acceptable documentary evidence which the applicant may provide include, but are not limited to, a driver's license, a work or school ID, an ID

Application Processing

for health benefits or for another assistance or social services program, a voter registration card, wage stubs, or a birth certificate. Any documents which reasonably establish the applicant's identity must be accepted, and no requirement for a specific type of document, such as a birth certificate, may be imposed.

viii. Disability

A. The State Agency shall verify disability as defined in 271.2 as follows:

- i. For individuals to be considered disabled under paragraphs (2), (3), and (4) of the definition, the household shall provide proof that the disabled individual is receiving benefits under titles, I, II, X, XIV, or XVI of the Social Security Act.
- ii. For individuals to be considered disabled under paragraph (6) of the definition, the household must present a statement from the Veterans Administration (VA) which clearly indicates that the disabled individual is receiving VA Disability Benefits for a service connected or no service connected disability and that the disability is rated as total or paid at the total rate by VA.
- iii. For individuals to be considered disabled under paragraphs (7) and (8) of the definition, proof by the household that the disabled individual is receiving VA disability benefits is sufficient verification of disability.
- iv. For individuals to be considered disabled under paragraphs (5) and (9) of the definition, the State agency shall use the Social Security Administration's (SSA) most current list of disabilities considered permanent under the Social Security Act for verifying disability. If it is obvious to the caseworker that the individual has one of the listed disabilities, the household shall be considered to have verified disability. If disability is not obvious to the caseworker, the household shall provide a statement from a physician or licensed or certified psychologist certifying that the individual has one of the nonobvious disabilities listed as the means for verifying disability under paragraphs (5) and (9) of the definition.
- v. For individuals to be considered under paragraph (10) of the definition, the household shall provide proof that the individual receives a Railroad Retirement disability annuity from the Railroad Retirement Board and has been determined to qualify for Medicare.
- vi. For individuals to be considered disabled under paragraph (11) of the definition, the household shall provide proof that the individual receives interim assistance benefits pending the receipt of Supplemental Security Income; or disability related medical assistance under Title XIX of the SSA; or disability based State general assistance benefits. The State agency shall verify that the eligibility to receive these benefits is based upon disability or blindness criteria which are at least as stringent as those under Title XVI of the Social Security Act.

Application Processing

- B. For disability determinations which must be made relevant to the provisions of 273.1(a)(2)(ii), the State agency shall use the SSA's most current list of disabilities as the initial step for verifying if an individual has a disability considered permanent under the Social Security Act. However, only those individuals who suffer from one of the disabilities mentioned in the SSA list who are unable to purchase and prepare meals because of such disability shall be considered disabled for the purpose of this provision. If it is obvious to the caseworker that the individual is unable to purchase and prepare meals because he/she suffers from a severe physical or mental disability, the individual shall be considered disabled for the purpose of the provision even if the disability is not specifically mentioned on the SSA list. If the disability is not obvious to the caseworker, he/she shall verify the disability by requiring a statement from a physician or licensed or certified psychologist certifying that the individual (in the physician's/psychologist's opinion) is unable to purchase and prepare meals because he/she suffers from one of the nonobvious disabilities mentioned in the SSA list or is unable to purchase meals because he/she suffers from some other severe, permanent physical or mental disease or nondisease related disability. The elderly and disabled individual (or his/her authorized representative) shall be responsible for obtaining the cooperation of the individuals with whom he/she resides in providing the necessary income information about the others to the State agency for purposes of this provision.
- ix State agencies shall verify all factors of eligibility for households who have been terminated for refusal to cooperate with a State quality control reviewer, and reapply after 95 days from the end of the annual review period. State agencies shall verify all factors of eligibility for households who have been terminated for refusal to cooperate with a Federal quality control reviewer and reapply after seven months from the end of the annual review period.
- x Household Composition
- State agencies shall verify factors affecting the composition of a household, if questionable. Individuals who claim to be a separate household from those with whom they reside shall be responsible for proving that they are a separate household to the satisfaction of the State agency. Individuals who claim to be a separate household from those with whom they reside based on the various age and disability factors for determining separateness shall be responsible for proving a claim of separateness (at the State agency's request) in accordance with the provisions of 273.2(f)(1)(viii).
- xi Shelter Costs for Homeless Households
- Homeless households claiming shelter expenses greater than the standard estimate of shelter expenses (as defined in 273.9(d)(5)(i)) must provide verification of these shelter expenses. If a homeless household has difficulty obtaining traditional types of verification of shelter costs, the caseworker shall use prudent judgment in determining if the verification obtained is adequate. For example, if a homeless individual claims to have incurred shelter costs for several nights and the costs are comparable to costs typically incurred by homeless people for shelter, the caseworker may decide to accept this information and not require further verification.

Application Processing

VERMONT NOTE: Homeless households with shelter expenses will provide verification of their actual shelter costs, if questionable. The department does not use a standard estimate of homeless shelter expenses, made optional by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

xii Legal Obligation and Actual Child Support Payments

The State agency shall obtain verification of the household's legal obligation to pay child support, the amount of the obligation, and the monthly amount of child support the household actually pays. Documents that are accepted as verification of the household's legal obligation to pay child support shall not be accepted as verification of the household's actual monthly child support payments. State agencies may and are strongly encouraged to obtain information regarding a household member's child support obligation and payments from Child Support Enforcement (CSE) automated data files. The State agency shall give the household an opportunity to resolve any discrepancy between household verification and CSE records in accordance with paragraph (f)(9) of this section.

2. Verification of Questionable Information

- i The State agency shall verify, prior to certification of the household, all other factors of eligibility which the State agency determines are questionable and affect the household's eligibility and benefit level. The State agency shall establish guidelines to be followed in determining what shall be considered questionable information. These guidelines shall not prescribe verification based on race, religion, ethnic background, or national origin. These guidelines shall not target groups such as migrant farm-workers or American Indians for more intensive verification under this provision.

VERMONT NOTE: Guidelines to be followed in determining what shall be considered questionable will be established as required and will appear in the Procedures Manual.

ii Citizenship

- A. When a household's statement that one or more of its members are U.S. citizens is questionable, the household shall be asked to provide acceptable verification. Acceptable forms of verification include birth certificates, religious records, voter registration cards, certificates of citizenship or naturalization provided by INS, such as identification cards for use of resident citizens in the United States (INS form I 179 or INS form I 197) or U.S. passports. Participation in the TANF Program shall also be considered acceptable verification if verification of citizenship was obtained for that program. If the above forms of verification cannot be obtained and the household can provide a reasonable explanation as to why verification is not available, the State agency shall accept a signed statement from someone who is a U.S. citizen which declares, under penalty of perjury, that the member in question is a U.S. citizen. The signed statement shall contain a warning of the penalties for helping someone commit fraud, such as: If you intentionally give false information to help this person get SNAP benefits, you may be fined, imprisoned, or both.

Application Processing

- B. The member whose citizenship is in question shall be ineligible to participate until proof of U.S. citizenship is obtained. Until proof of U.S. citizenship is obtained, the member whose citizenship is in question will have his or her income, less a pro rata share, and all of his or her resources considered available to any remaining household members as set forth in 273.11(c).

3. State Agency Options

In addition to the verification required in paragraphs (f)(1) and (f)(2) of this section, the State agency may elect to mandate verification of any of the other factor which affects household eligibility or allotment level, including household size where not questionable.

- i The State agency may establish its own standards for the use of verification, provided that, at a minimum, all questionable factors are verified in accordance with paragraph (f)(2) of this section and that such standards do not allow for inadvertent discrimination. For example, no standard may be applied which prescribes variances in verification based on race, religion, ethnic background or national origin, nor may a State standard target groups such as migrant farm workers or American Indians for more intensive verification than other households. The options specified in this paragraph shall not apply in those offices of the Social Security Administration (SSA) which, in accordance with paragraph (k) of this section, provide for the SNAP certification of households containing recipients of Supplemental Security Income (SSI) and Social Security benefits. The State agency, however, may negotiate with those SSA offices with regard to mandating verification of these options.
- ii If a State agency opts to verify a deductible expense and obtaining the verification may delay the household's certification, the State agency shall advise the household that its eligibility and benefit level may be determined without providing a deduction for the claimed but unverified expense. This provision also applies to the allowance of medical expenses as specified in paragraph (f)(1)(iv) of this section. Shelter costs would be computed without including the unverified components. The standard utility allowance shall be used if the household is entitled to claim it and has not verified higher actual costs. If the expense cannot be verified within 30 days of the date of application, the State agency shall determine the household's eligibility and benefit level without providing a deduction of the unverified expense. If the household subsequently provides the missing verification, the State agency shall redetermine the household's benefits, and provide increased benefits, if any, in accordance with the timeliness standards in 273.12 on reported changes. If the expense could not be verified within the 30 day processing standard because the State agency failed to allow the household sufficient time, as defined in paragraph (h)(1) of this section, to verify the expense, the household shall be entitled to the restoration of benefits retroactive to the month of application, provided that the missing verification is supplied in accordance with paragraph (h)(3) of this section. If the household would be ineligible unless the expense is allowed, the household's application shall be handled as provided in paragraph (h) of this section.

Application Processing

4. Sources of Verification

i Documentary Evidence

State agencies shall use documentary evidence as the primary source of verification for all items except residency and household size. These items may be verified either through readily available documentary evidence or through a collateral contact without a requirement being imposed that documentary evidence must be the primary source of verification. Documentary evidence consists of a written confirmation of a household's circumstances. Examples of documentary evidence include wage stubs, rent receipts, and utility bills. Although documentary evidence shall be the primary source of verification, acceptable verification shall not be limited to any single type of document and may be obtained through the household or other source. Whenever documentary evidence cannot be obtained or is insufficient to make a firm determination of eligibility or benefit level, the eligibility worker may require collateral contacts or home visits. For example, documentary evidence may be considered insufficient when the household presents pay stubs which do not represent an accurate picture of the household's income (such as outdated pay stubs) or identification papers appear to be falsified.

ii Collateral Contacts

A collateral contact is a verbal confirmation of a household's circumstances by a person outside of the household. The collateral contact may be made either in person or over the telephone. The State agency may select a collateral contact if the household fails to designate one or designates one which is unacceptable to the State agency. Examples of acceptable collateral contacts may include employers, landlords, social service agencies, migrant service agencies, and neighbors of the household who can be expected to provide accurate third party verification.

iii Home Visits

Home visits may be used as verification only when documentary evidence is insufficient to make a firm determination of eligibility or benefit level, or cannot be obtained, and the home visit is scheduled in advance with the household.

iv Discrepancies

Where unverified information from a source other than the household contradicts statements made by the household, the household shall be afforded a reasonable opportunity to resolve the discrepancy prior to a determination of eligibility or benefits. The State agency may, if it chooses, verify the information directly and contact the household only if such direct verification efforts are unsuccessful. If the unverified information is received through the IEVS, as specified in 272.8, the State agency may obtain verification from a third party as specified in paragraph (f)(9)(v) of this section.

VERMONT NOTE: Section 272.8 is a section of the Code of Federal Regulations (CFR) that is not a part of the 3SquaresVT Policy Manual. It details State requirements for an Income and Eligibility Verification System (IEVS).

Application Processing

5. Responsibility for Obtaining Verification

- i The household has primary responsibility for providing documentary evidence to support statements on the application and to resolve any questionable information. The State agency shall assist the household in obtaining this verification provided the household is cooperating with the State agency as specified under paragraph (d)(1) of this section. Households may supply documentary evidence in person, through the mail, or through an authorized representative. The State agency shall not require the household to present verification in person at the SNAP Office. The State agency shall accept any reasonable documentary evidence provided by the household and shall be primarily concerned with how adequately the verification proves the statements on the application.
- ii Whenever documentary evidence is insufficient to make a firm determination of eligibility or benefit level, or cannot be obtained, the State agency may require a collateral contact or a home visit. The State agency, generally, shall rely on the household to provide the name of any collateral contact. The household may request assistance in designating a collateral contact. The State agency is not required to use a collateral contact designated by the household if the collateral contact cannot be expected to provide an accurate third party verification. When the collateral contact designated by the household is unacceptable, the State agency shall either designate another collateral contact, ask the household to designate another collateral contact or to provide an alternative form of verification or substitute a home visit. The State agency is responsible for obtaining verification from acceptable collateral contacts.

6. Documentation

Case files must be documented to support eligibility, ineligibility, and benefit level determinations. Documentation shall be in sufficient detail to permit a reviewer to determine the reasonableness and accuracy of the determination.

7. State Data Exchange (SDX) and Beneficiary Data Exchange (BENDEX)

- i The State agency may verify SSI benefits through the State Data Exchange (SDX), and Social Security benefit information through the Beneficiary Data Exchange (BENDEX), or through verification provided by the household. The State agency may also use SDX and BENDEX data to verify other SNAP eligibility criteria. The State agency may access SDX and BENDEX data without release statements from households, provided the State agency makes the appropriate data request to SSA and executes the necessary data exchange agreements with SSA. The household shall be given an opportunity to verify the information from another source if the SDX or BENDEX information is contradictory to the information provided by the household or is unavailable. Determination of the household's eligibility and benefit level shall not be delayed past the application processing time standards of paragraph (g) of this section if SDX or BENDEX data is unavailable.

Application Processing

8. Verification Subsequent to Initial Certification

i Recertification

- A. At recertification, the State agency shall verify a change in income or actual utility expenses if the source has changed or the amount has changed by more than \$25. Previously unreported medical expenses and total recurring medical expenses which have changed by more than \$25 shall also be verified at recertification.

The State agency shall not verify income if the source has not changed and if the amount is unchanged or has changed by \$25 or less, unless the information is incomplete, inaccurate, inconsistent or outdated. The State agency shall also not verify total medical expenses, or actual utility expenses claimed by households which are unchanged or have changed by \$25 or less, unless the information is incomplete, inaccurate, inconsistent or outdated. The State agency shall require a household eligible for the child support deduction to verify any changes in the legal obligation to pay child support, the obligated amount, and the amount of legally obligated child support a household member pays to a nonhousehold member. The State agency shall verify reportedly unchanged child support information only if the information is incomplete, inaccurate, inconsistent or outdated.

- B. Newly obtained Social Security numbers shall be verified at recertification in accordance with verification procedures outlined in 273.2(f)(1)(v).
- C. Other information which has changed may be verified at recertification. Unchanged information shall not be verified unless the information is incomplete, inaccurate, inconsistent or outdated. Verification under this paragraph shall be subject to the same verification procedures as apply during initial verification.

ii Changes

Changes reported during the certification period shall be subject to the same verification procedures as apply at initial certification, except that the State agency shall not verify changes in income if the source has not changed and if the amount has changed \$25 or less, unless the information is incomplete, inaccurate, inconsistent or outdated. The State agency shall also not verify total medical expenses or actual utility expenses which are unchanged or have changed \$25 or less, unless the information is incomplete, inaccurate, inconsistent or outdated.

VERMONT NOTE: If both members of a household indicate wage raises, and the combined raises total an income increase more than \$25, the wages must be verified and documented. Similar increases in utility costs do not need to be verified if the household uses the fuel and utility standard deduction or if the utility increases do not result in a deduction.

9. Use if IEVS

- i The State agency shall use information obtained through the IEVS to verify the eligibility and benefit level of applicant and participating households, in accordance with procedures specified in 272.8.

Application Processing

VERMONT NOTE: Section 272.8 is a section of the Code of Federal Regulations (CFR) that is not a part of the 3SquaresVT Policy Manual. It details State requirements for an Income and Eligibility Verification System (IEVS).

- ii The State agency may access data through the IEVS provided the disclosure safeguards and data exchange agreements required by Part 272 are satisfied.

VERMONT NOTE: Part 272 is a part of the Code of Federal Regulations (CFR) that is not in the 3SquaresVT Policy Manual. It details requirements for participating State agencies.

- iii The State agency shall take action, including proper notices to households, to terminate, deny, or reduce benefits based on information obtained through the IEVS which is considered verified upon receipt. This information is Social Security and SSI benefit information obtained from SSA and TANF benefit information and UIB information obtained from the agencies administering those programs. If the State agency has information that the IEVS obtained information about a particular household is questionable, this information shall be considered unverified upon receipt and the State agency shall take action as specified in paragraph (f)(9)(iv) of this section.
- iv Except as noted in this paragraph, prior to taking action to terminate, deny, or reduce benefits based on information obtained through the IEVS which is considered unverified upon receipt, State agencies shall independently verify the information. Such unverified information is unearned income information from IRS, wage information from SSA and SWICAs, and questionable IEVS information discussed in paragraph (f)(9)(iii) of this section.
- v Independent verification shall include verification of the amount of the asset or income involved, whether the household actually has or had access to such asset or income such that it would be countable income or resources for SNAP purposes, and the period during which such access occurred. Except with respect to unearned income information from IRS, if a State agency has information which indicates that independent verification is not needed, such verification is not required.
- vi The State agency shall obtain independent verification of unverified information obtained from IEVS by means of contacting the household and/or the appropriate income, resource or benefit source. If the State agency chooses to contact the household, it must do so in writing, informing the household of the information which it has received, and requesting that the household respond within 10 days. If the household fails to respond in a timely manner, the State agency shall send it a notice of adverse action as specified in 273.13. The State agency may contact the appropriate source by the means best suited to the situation. When the household or appropriate source provides the independent verification, the State agency shall properly notify the household of the action it intends to take and provide the household with an opportunity to request a fair hearing prior to any adverse action.

Application Processing

10. Use of SAVE

When participating in the INS SAVE Program to verify the validity of documents presented by applicant aliens, State agencies shall use the following procedures:

- i The State agency shall provide an applicant alien with a reasonable opportunity to submit acceptable documentation of their eligible alien status prior to the 30th day following the date of application. A reasonable opportunity shall be at least 10 days from the date of the State agency's request for an acceptable document. An alien who has been given a reasonable opportunity to submit acceptable documentation and has not done so as of the 30th day following the date of application shall not be certified for benefits until acceptable documentation has been submitted. However, if the 10 day reasonable opportunity period by the State agency does not lapse before the 30th day following the date of application, the State agency shall provide the household with benefits no later than 30 days following the date of application provided the household is otherwise eligible.
- ii The written consent of the alien applicant shall not be required as a condition for the State agency to contact INS to verify the validity of documentation.
- iii State agencies which access the ASVI database through an automated access shall also submit INS Form G 845, with an attached photocopy of the alien's document to INS whenever the initial automated access does not confirm the validity of the alien's documentation or a significant discrepancy exists between the data provided by the ASVI and the information provided by the applicant. Pending such responses from either the ASVI or INS Form G 845, the State agency shall not delay, deny, reduce, or terminate the alien's eligibility for benefits on the basis of the individual's alien status.
- iv If the State agency determines, after complying with the requirements of this section, that the alien is not in an eligible alien status, the State agency shall take action, including proper notices to the household, to terminate, deny or reduce benefits. The State agency shall provide households the opportunity to request a fair hearing under 273.15 prior to any adverse action.
- v The use of SAVE shall be documented in the case file or other agency records. When the State agency is waiting for a response from SAVE, agency records shall contain either a notation showing the date of the State agency's transmission or a copy of the INS Form G 845 sent to INS. Once the SAVE response is received, agency records shall show documentation of the ASVI Query Verification Number or contain a copy of the INS annotated Form G 845. Whenever the response from automated access to the ASVI directs the eligibility worker to initiate secondary verification, agency records shall show documentation of the ASVI Query Verification Number and contain a copy of the INS Form G 845.

Application Processing

g. Normal Processing Standard

1.. Thirty-Day Processing

The State agency shall provide eligible households that complete the initial application process an opportunity to participate [as defined in 274.2(b)] as soon as possible, but no later than 30 calendar days following the date the application was filed, except for residents of public institutions who apply jointly for SSI and SNAP benefits prior to release from the institution in accordance with 273.1(e)(2). An application is filed the day the appropriate SNAP Office receives an application containing the applicant's name and address, which is signed by either a responsible member of the household or the household's authorized representative. Households entitled to expedited processing are specified in paragraph (i) of this section. For residents of public institutions who apply for SNAP benefits prior to their release from the institution in accordance with 273.1(e)(2), the State agency shall provide an opportunity to participate as soon as possible but no later than 30 calendar days from the date of release of the applicant from the institution.

VERMONT NOTE: For instance, if an application is received on June 1st, notice of benefits would have to be mailed by June 28th (allowing two days for delivery) to provide the household an opportunity to participate within 30 days.

VERMONT NOTE: If processing is delayed, see section 273.2(h)(3).

2. Combined allotments

Households which apply for initial month benefits (as described in 273.10(a) after the 15th of the month, are processed under normal processing timeframes, have completed the application process within 30 days of the date of application, and have been determined eligible to receive benefits for the initial month of application and the next subsequent month, may be issued a combined allotment at State agency option which includes prorated benefits for the month of application and benefits for the first full month of participation. The benefits shall be issued in accordance with 274.2(c) of this chapter.

VERMONT NOTE: Vermont does not choose this option.

3. Denying The Application

Households that are found to be ineligible shall be sent a notice of denial as soon as possible but no later than 30 days following the date the application was filed. If the household has failed to appear for two scheduled interviews and has made no subsequent contact with the State agency to express interest in pursuing the application, the State agency shall send the household a notice of denial on the 30th day following the date of application. The household must file a new application if it wishes to participate in the program. In cases where the State agency was able to conduct an interview and request all of the necessary verification on the same day the application was filed, no subsequent requests for verification have been made, the State agency may also deny the application on the 30th day if the State agency provided assistance to the household in obtaining verification as specified in paragraph (f)(5) of this section, but the household failed to provide the requested verification.

Application Processing

VERMONT NOTE: The denial option has been adopted. Vermont will deny households at the end of 30 days for failure to provide requested verification if the interview and request for needed verification has taken place within 10 calendar days of the date the application was received along with an offer of assistance if the applicant is having a problem in obtaining the verification. No further action is required after the notice of denial is sent, but in accordance with 273.2(h)(2)(i)(A), if verification is provided after 30 days but before 60 days, the case will be reopened without requiring a new application. If eligible, benefits would commence from the thirty-first calendar day following the date the application was received and the household would not be entitled to benefits for the month of application.

h. Delays In Processing

If the State agency does not determine a household's eligibility and provide an opportunity to participate within 30 days following the date the application was filed, the State agency shall take the following action:

1. Determining Cause

The State agency shall first determine the cause of the delay using the following criteria:

- i A delay shall be considered the fault of the household if the household has failed to complete the application process even though the State agency has taken all the action it is required to take to assist the household. The State agency must have taken the following actions before a delay can be considered the fault of the household:
 - A. For households that have failed to complete the application form, the State agency must have offered, or attempted to offer, assistance in its completion.
 - B. If one or more members of the household have failed to register for work, as required in 273.7, the State agency must have informed the household of the need to register for work and given the household at least 10 days from the date of notification to register these members.
 - C. In cases where verification is incomplete, the State agency must have provided the household with a statement of required verification and offered to assist the household in obtaining required verification and allowed the household sufficient time to provide the missing verification. Sufficient time shall be at least 10 days from the date of the State agency's request for the particular verification that was missing.
 - D. For households that have failed to appear for an interview, the State agency must have attempted to reschedule the initial interview within 30 days following the date the application was filed. However, if the household has failed to appear for the first interview and a subsequent interview is postponed at the household's request or cannot otherwise be rescheduled until after the 20th day but before the 30th day following the date the application was filed, the household must appear for the interview, bring verification, and register members for work by the 30th day; otherwise, the delay shall be the fault of the household.

Application Processing

If the household has failed to appear for the first interview and a subsequent interview is postponed at the household's request until after the 30th day following the date the application was filed, the delay shall be the fault of the household. If the household has missed both scheduled interviews and requests another interview, any delay shall be the fault of the household.

- ii Delays that are the fault of the State agency include, but are not limited to, those cases where the State agency failed to take the actions described in paragraphs (h)(1)(i) (A) through (D) of this section.

2. Delays Caused By The Household

- i If by the 30th day the State agency cannot take any further action on the application due to the fault of the household, the household shall lose its entitlement to benefits for the month of application. However, the State agency shall give the household an additional 30 days to take the required action.
 - A. The State agency will send the household a notice of pending status on the 30th day. No further action by the State agency is required after the notice of pending status is sent if the household fails to take the required action within 60 days of the date the application was filed. However, if a notice of denial is sent and the household takes the required action within 60 days following the date the application was filed, the State agency shall reopen the case without requiring a new application. No further action by the State agency is required after the notice of denial or pending status is sent if the household failed to take the required action within 60 days following the date the application was filed, or if the State agency chooses the option of holding the application pending for only 30 days following the date of the initial request for the particular verification that was missing, and the household fails to provide the necessary verification by this 30th day.

VERMONT NOTE: The option of denial on the 30th day has been selected, if the delay was caused by the household. If the notice of denial is sent and the household takes the required action within 60 days following the date the application was filed, the case shall be reopened without requiring a new application. If eligible, benefits would commence from the thirty-first calendar day following the date the application was received and the household would not be entitled to benefits for the month of application. If the notice of denial was sent and the household failed to take the required action within 60 days following the date the application was filed, no further action by the Department is required.

- B. State agencies may include in the notice a request that the household report all changes in circumstances since it filed its application. The information that must be contained on the notice of denial or pending status is explained in §273.10(g)(1) (ii) and (iii).

Application Processing

- ii If the household was at fault for the delay in the first 30-day period, but is found to be eligible during the second 30-day period, the State agency shall provide benefits only from the month following the month of application. The household is not entitled to benefits for the month of application when the delay was the fault of the household.

3. Delays Caused By The State Agency

- i Whenever a delay in the initial 30-day period is the fault of the State agency, the State agency shall take immediate corrective action. Except as specified in 273.2(f)(1)(ii)(F) and 273.2(f)(10)(i), the State agency shall not deny the application if it caused the delay, but shall instead notify the household by the 30th day following the date the application was filed that its application is being held pending. The State agency shall also notify the household of any action it must take to complete the application process.
- ii If the household is found to be eligible during the second 30-day period, the household shall be entitled to benefits retroactive to the month of application. If, however, the household is found to be ineligible, the State agency shall deny the application.

4. Delays Beyond 60 Days

- i If the State agency is at fault for not completing the application process by the end of the second 30-day period, and the case file is otherwise complete, the State agency shall continue to process the original application until an eligibility determination is reached. If the household is determined eligible, and the State agency was at fault for the delay in the initial 30 days, the household shall receive benefits retroactive to the month of application. However, if the initial delay was the household's fault, the household shall receive benefits retroactive only to the month following the month of application. The State agency will use the original application to determine the household's eligibility in the months following the 60- day period.
- ii If the State agency is at fault for not completing the application process by the end of the second 30-day period, but the case file is not complete enough to reach an eligibility determination, the State agency will continue to process the original application. If the State agency was also at fault for the delay in the initial 30 days, the amount of benefits lost would be calculated from the month of application. If, however, the household was at fault for the initial delay, the amount of benefits lost would be calculated from the month following the month of application. Vermont - "will" replaces "may" in CFR and other option deleted as not applicable.
- iii If the household is at fault for not completing the application process by the end of the second 30-day period the State agency shall deny the application and require the household to file a new application if it wishes to participate. A notice of denial need not be sent if the notice of pending status informed the household that it would have to file a new application if verification was not received within 30 days following the date of the initial request. The household shall not be entitled to any lost benefits, even if the delay in the initial 30 days was the fault of the State agency.

Application Processing

i. Expedited Service

1.. Entitlement To Expedited Service

The following households are entitled to expedited service:

- i Households with less than \$150 in monthly gross income as computed in 273.10 provided their liquid resources (i.e., cash on hand, checking or savings accounts, savings certificates, and lump sum payments as specified in 273.9[c][8]) do not exceed \$100:
- ii Migrant or seasonal farmworker households who are destitute as defined in 273.10(e)(3) provided their liquid resources (i.e., cash on hand, checking or savings accounts, savings certificates, and lump sum payments as specified in 273.9[c][8]) do not exceed \$100:
- iii Households whose combined monthly gross income and liquid resources are less than the household's monthly rent or mortgage, and utilities (including entitlement to a SUA, as appropriate, in accordance with 273.9[d]).

2. Identifying Households Needing Expedited Service

The State agency's application procedures shall be designed to identify households eligible for expedited service at the time the household requests assistance. For example, a receptionist, volunteer, or other employee shall be responsible for screening applications as they are filed or as individuals come in to apply.

3. Processing Standards

All households receiving expedited service, except those receiving it during months in which allotments are suspended or canceled, shall have their cases processed in accordance with the following provisions. Those households receiving expedited service during suspensions or cancellations shall have their cases processed in accordance with the provisions of 271.7(e)(2).

i General

For households entitled to expedited service, the State agency shall make SNAP benefits available to the recipient no later than the seventh calendar day following the date an application was filed. For the resident of a public institution who applies for benefits prior to his/her release from the institution in accordance with 273.1(e)(2) and who is entitled to expedited service, the date of filing his/her SNAP application is the date of release of the applicant from the institution. (The remainder of this paragraph referencing EBT cards has been omitted.)

ii Drug Addicts and Alcoholics, Group Living Arrangement Facilities

For residents of drug addiction or alcoholic treatment and rehabilitation centers and residents of group living arrangements who are entitled to expedited service, the State Agency shall make SNAP benefits available to the recipient no later than the seventh calendar day following the date the application was filed.

Application Processing

iii Out-Of-Office Interviews

If a household is entitled to expedited service and is also entitled to a waiver of the office interview, the State agency shall conduct the interview (unless the household cannot be reached) and complete the application process within the expedited service standards. The first day of this count is the calendar day following application filing. If the State agency conducts a telephone interview and must mail the application to the household for signature, the mailing time involved will not be calculated in the expedited service standards. Mailing time shall only include the days the application is in the mail to and from the household and the days the application is in the household's possession pending signature and mailing.

iv Late Determinations

If the prescreening required in paragraph (i)(2) of this section fails to identify a household as being entitled to expedited service and the State agency subsequently discovers that the household is entitled to expedited service, the State agency shall provide expedited service to households within the processing standards described in paragraph (i)(3)(i) and (ii) of this section, except that the processing standard shall be calculated from the date the State agency discovers the household is entitled to expedited service.

v Residents of Shelters For Battered Women And Children

Residents of shelters for battered women and children who are otherwise entitled to expedited service shall be handled in accordance with the time limits in paragraph (i)(3)(i) of this section.

4. Special Procedures For Expediting Service

i In order to expedite the certification process, the State agency shall use the following procedures:

- A. In all cases, the applicant's identity (i.e., the identity of the person making the application) shall be verified through a collateral contact or readily available documentary evidence as specified in paragraph (f)(1) of this section.
- B. All reasonable efforts shall be made to verify within the expedited processing standards, the household's residency in accordance with 273.2(f)(1)(vi), income statement (including a statement that the household has no income), liquid resources and all other factors required by 273.2(f), through collateral contacts or readily available documentary evidence. However, benefits shall not be delayed beyond the delivery standards prescribed in paragraph (i)(3) of this section, solely because these eligibility factors have not been verified.

State agencies should attempt to obtain as much additional verification as possible during the interview, but should not delay the certification of households entitled to expedited service for the full timeframes specified in paragraph (i)(3) of this section when the State agency has determined it is unlikely that other verification can be obtained within these timeframes.

Application Processing

Households entitled to expedited service will be asked to furnish a Social Security number for each person or apply for one for each person before recertification. Those household members unable to provide the required SSNs or who do not have one prior to recertification shall be allowed to continue to participate only if they satisfy the good cause requirements with respect to SSNs specified in 273.6(d), except that households with a newborn may have up to 6 months following the month the baby was born to supply an SSN or proof of an application for an SSN for the newborn in accordance with 273.6(b)(4).

With regard to the work registration requirements specified in 273.7, the State agency shall, at a minimum, require the applicant to register [unless exempt or unless the household has designated an authorized representative to apply on its behalf in accordance with 273.1(f)]. The State agency may attempt to register other household members but shall postpone the registration of other household members if it cannot be accomplished within the expedited service timeframes. The State agency may attempt registration of other household members by requesting that the applicant complete the work registration forms for other household members to the best of his or her ability. The State agency may also attempt to accomplish work registration for other household members in a timely manner through other means, such as calling the household. The State agency may attempt to verify questionable work registration exemptions, but such verification shall be postponed if the expedited service timeframes cannot be met.

- ii Once an acceptable collateral contact has been designated, the State agency shall promptly contact the collateral contact in accordance with the provisions of paragraph (f)(4)(ii) of this section. Although the household has the primary responsibility for providing other types of verification, the State agency shall assist the household in promptly obtaining the necessary verification.
- iii Households that are certified on an expedited basis and have provided all necessary verification required in paragraph (f) of this section prior to certification shall be assigned a normal certification period. If verification was postponed, the State agency may certify these households for the month of application (the month of application and the subsequent month for those households applying after the 15th of the month) or, at the State agency's option, may assign a normal certification period to those households whose circumstances would otherwise warrant a longer certification period. State agencies, at their option, may request any household eligible for expedited service which applies after the 15th of the month and is certified for the month of application and the subsequent month only to submit a second application (at the time of the initial certification) if the household's verification is postponed.
 - A. For households applying on or before the 15th of the month, the State agency may assign a one-month certification period or assign a normal certification period. Satisfaction of the verification requirements may be postponed until the second month of participation. If a one-month certification period is assigned, the notice of eligibility may be combined with the notice of expiration or a separate notice may be sent. The notice of eligibility must explain that the household has to satisfy all verification requirements that were postponed.

Application Processing

For subsequent months, the household must reapply and satisfy all verification requirements which were postponed or be certified under normal processing standards. If the household does not satisfy the postponed verification requirements and does not appear for the interview, the State agency does not need to contact the household again.

- B. For households applying after the 15th of the month, the State agency may assign a 2-month certification period or a normal certification period of no more than 12 months or, 24 months if all members of the household are elderly or disabled. Verification may be postponed until the third month of participation, if necessary, to meet the expedited timeframe. If a two-month certification period is assigned, the notice of eligibility may be combined with the notice of expiration or a separate notice may be sent. The notice of eligibility must explain that the household is obligated to satisfy the verification requirements that were postponed. For subsequent months, the household must reapply and satisfy the verification requirements which were postponed or be certified under normal processing standards. If the household does not satisfy the postponed verification requirements and does not attend the interview, the State agency does not need to contact the household again. When a certification period of longer than 2 months is assigned and verification is postponed, households must be sent a notice of eligibility advising that no benefits for the third month will be issued until the postponed verification requirements are satisfied. The notice must also advise the household that if the verification process results in changes in the household's eligibility or level of benefits, the State agency will act on those changes without advance notice of adverse action.
- C. Households which apply for initial benefits (as described in 273.10(a)) after the 15th of the month, are entitled to expedited service, have completed the application process, and have been determined eligible to receive benefits for the initial month and the next subsequent month, shall receive a combined allotment consisting of prorated benefits for the initial month of application and benefits for the first full month of participation within the expedited service timeframe. If necessary, verification shall be postponed to meet the expedited timeframe. The benefits shall be issued in accordance with 274.2(c) of this chapter.

VERMONT NOTE: Under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Vermont chooses not to implement combined allotments. PRWORA made combined allotments an option that Vermont did not elect.

- D. The provisions of paragraph (i)(4)(iii)(C) of this section do not apply to households which have been determined ineligible to receive benefits for the month of application or the following month, or to households which have not satisfied the postponed verification requirements. However, households eligible for expedited service may receive benefits for the initial month and next subsequent month under the verification standards of paragraph (i)(4) of this section.

Application Processing

- E. If the State agency chooses to exercise the option to require a second application in accordance with paragraph (i)(4)(iii) of this section and receives the application before the third month, it shall not deny the application but hold it pending until the third month. The State agency will issue the third month's benefits within 5 working days from receipt of the necessary verification information but not before the first day of the month. If the postponed verification requirements are not completed before the end of the third month, the State agency shall terminate the household's participation and shall issue no further benefits.

VERMONT NOTE: Households eligible for expedited service that apply on or before the 15th of the month and have postponed verification will be certified for one month. Those applying after the 15th of the month with postponed verification will be certified for two months.

- iv. There is no limit to the number of times a household can be certified under expedited procedures, as long as prior to each expedited certification, the household either completes the verification requirements that were postponed at the last expedited certification or was certified under normal processing standards since the last expedited certification. The provisions of this section shall not apply at recertification if a household reapplies before the end of its current certification period.
- v. Households requesting, but not entitled to, expedited service shall have their applications processed according to normal standards.

j. PA and Categorically Eligible Households

Households applying for public assistance (PA) as defined at 271.2 shall be notified of their right to apply for SNAP benefits at the same time, and shall be allowed to apply for SNAP benefits at the same time they apply for PA benefits. The applications of these households shall be processed in accordance with the requirements of paragraph (j)(1) of this section, and their eligibility shall be based solely on SNAP eligibility criteria unless the household is categorically eligible, as provided in paragraph (j)(2) of this section. The benefit levels of all households shall be based solely on SNAP criteria. Jointly processed and categorically eligible households shall be certified in accordance with SNAP procedural, timeliness, and notice requirements, including the 5-day expedited service provisions of 273.2(i) and normal 30-day application processing standards of 273.2(g). Individuals authorized to receive PA benefits but who have not yet received payments are considered recipients of benefits from those programs. In addition, individuals are considered recipients of PA if their PA benefits are suspended or recouped. Individuals entitled to PA benefits but who are not paid such benefits because the grant is less than a minimum benefit are also considered recipients. Individuals not receiving PA benefits who are entitled to Medicaid only shall not be considered recipients.

1. Applicant PA Households

- i The application for PA shall contain all the information necessary to determine a household's SNAP eligibility and level of benefits. The joint PA/SNAP application shall clearly indicate that the household is providing information for both programs, is subject to the criminal penalties of both programs for making false statements, waives the notice of adverse action as specified by both programs for making

Application Processing

false statements, and waives the notice of adverse action as specified in paragraph (j)(1)(iv) of this section. The joint PA/SNAP application may be used for all SNAP applicants provided the application form is approved for all households by FNS.

PA grant amounts that cannot be anticipated will be processed as changes of circumstances as specified in (j)(1)(iv).

- ii The State agency shall conduct a single interview at initial application for both public assistance and SNAP purposes. PA households shall not be required to see a different eligibility worker or otherwise be subjected to two interview requirements to obtain the benefits of both programs. Following the single interview, the application may be processed by separate workers to determine eligibility and benefit levels for SNAP benefits and public assistance. A household's eligibility for SNAP benefits out-of-office interview provisions in §273.2(e)(2) does not relieve the household of any responsibility for a face-to-face interview to be certified for PA.
- iii For households applying for both public assistance and SNAP benefits, the verification procedures described in paragraphs (f)(1) through (f)(8) of this section shall be followed for those factors of eligibility which are needed solely for purposes of determining the household's eligibility for SNAP benefits. For those factors of eligibility which are needed to determine both PA eligibility and SNAP eligibility, the State agency may use the PA verification rules. However, the State agency shall not delay the household's SNAP benefits if, at the end of 30 days following the date the application was filed, the State agency has sufficient verification to meet the verification requirements of paragraphs (f)(1) through (f)(8) of this section but does not have sufficient verification to meet the PA verification rules.
- iv Eligibility determination will not be postponed within the 30-day processing standard for households that appear to be categorically eligible.

If the State agency can anticipate the amount and the date of receipt of the initial PA payment, but the payment will not be received until a subsequent month, the State agency shall vary the household's SNAP benefit level according to the anticipated receipt of the payment and notify the household. Portions of initial PA payments intended to retroactively cover a previous month shall be disregarded as lump sum payments under §273.9(c)(8). If the amount or date of receipt of the initial PA payment cannot be reasonably anticipated at the time of the SNAP eligibility determination, the PA payments shall be handled as a change in circumstances. If the receipt of the PA grant reduces, suspends or terminates the household's SNAP benefits, a notice of adverse action is sent.

The case may be terminated if the household is not categorically eligible. The State agency shall ensure that the denied application of a potentially categorically eligible household is easily retrievable. For a household filing a joint application for SNAP and PA benefits or a household that has a PA application pending and is denied SNAP benefits but is later determined eligible to receive PA benefits and is otherwise categorically eligible, the State agency shall provide benefits using the original application and any other pertinent information occurring subsequent to that application.

Application Processing

Except for residents of public institutions who apply jointly for SSI and SNAP benefits prior to their release from a public institution in accordance with 273.1(e)(2), benefits shall be paid from the beginning of the period for which PA benefits are paid, the original SNAP application date or December 23, 1985, whichever is later. Residents of public institutions who apply jointly for SSI and SNAP benefits prior to their release from the institution shall be paid benefits from the date of their release from the institution. In situations where the State agency must update and reevaluate the original application of a denied case, the State agency shall not reinterview the household, but shall use any available information to update the application. The State agency shall then contact the household by phone or mail to explain and confirm changes made by the State agency and to determine if other changes in household circumstances have occurred. If any information obtained from a household differs from that which the State agency obtained from available information or the household provided additional changes in information, the State agency shall arrange for the household or its authorized representative to initial all changes, resign and date the updated application and provide necessary verification. In no event can benefits be provided prior to the date of the original SNAP application filed on or after December 23, 1985.

Any household that is determined to be eligible to receive PA benefits for a period of time within the 30-day SNAP processing time, shall be provided SNAP benefits back to the date of the SNAP application. However, in no event shall SNAP benefits be paid for a month for which such household is ineligible for receipt of any PA benefits for the month, unless the household is eligible for SNAP benefits as an NPA case. Benefits shall be prorated in accordance with 273.10(a)(1)(ii) and (e)(2)(ii)(B). Households that file joint applications that are found categorically eligible after being denied NPA SNAP benefits shall have their benefits for the initial month prorated from the date from which the PA benefits are payable, or the date of the original SNAP application, whichever is later. The State agency shall act on reevaluating the original application either at the household's request or when it becomes otherwise aware of the household's PA eligibility. The household shall be informed on the notice of denial required by 273.10(g)(1)(ii) to notify the state agency if its PA benefits are approved.

Households who file joint applications for SNAP benefits and PA and whose PA applications are subsequently denied will not be required to file new SNAP application. PA payments which cannot be reasonably anticipated will be handled as changes in circumstances.

- v Households whose PA applications are denied shall not be required to file new SNAP applications but shall have their SNAP eligibility determined or continued on the basis of the original application filed jointly for PA and SNAP purposes and any other documented information obtained subsequent to the application which may have been used in the PA determination and which is relevant to SNAP eligibility or level of benefits.

Application Processing

2 Categorically Eligible Households

- i As a general rule, any household (except those listed in paragraph (j)(2)(iii) of this section) will be considered categorically eligible for SNAP benefits because of its status as a PA-recipient household, a household with children receiving the Vermont earned income tax credit (EITC), or a household in which a parent is participating in the Postsecondary Education Program (2400 – 2418). Exceptions to this rule are entire households institutionalized according to 273.1(e) or otherwise disqualified for any reason for receiving SNAP benefits.

PA recipient households are households in which all household members receive public assistance, as defined in the introductory paragraph of 273.2 (j). For the purposes of this section, households with children receiving the Vermont EITC are defined as:

1. households with children in which a member has received a Vermont EITC payment within the 12 calendar months prior to certification or recertification; and
2. households with children participating in Vermont's 3SquaresVT Program on June 30, 2001, in which a member of the household received the Vermont EITC within the 12 calendar months prior to July 1, 2001.

Residents of public institutions who apply jointly for SSI and SNAP benefits prior to their release from the institution in accordance with 273.1 (e) (2), shall not be categorically eligible upon a finding by SSA of potential SSI eligibility prior to such release. These individuals shall be considered categorically eligible at such time as a final SSI eligibility determination has been made and the individual has been released from the institution.

The eligibility factors that are deemed for SNAP eligibility without the verification required in 273.2 (f) because of PA status are the resource, gross and net income limits; Social Security number information; sponsored alien information; and residency. If any of the following factors are questionable, the State agency shall verify, in accordance with 273.2 (f), that the household is considered categorically eligible:

- A. contains only members who receive PA as defined in the introductory paragraph 273.2(j);
 - B. contains a member who receives the Vermont EITC as defined in this paragraph; C. meets the household definition in 273.1(a);
 - D. includes all persons who purchase and prepare food together in one SNAP household regardless of whether or not they are separate units for PA purposes; and
 - E. includes no persons who have been disqualified as provided for in paragraph (j)(2)(iii) of this subsection.
- ii Households subject to retrospective budgeting that have been suspended for PA purposes as provided for in Reach Up regulations, or that receive zero benefits shall continue to be considered as authorized to receive benefits from the appropriate agency. Categorical eligibility shall be assumed at recertification in the absence of a timely PA redetermination. If a recertified household is subsequently terminated from PA benefits, the procedures in 273.12(f)(3), (4) and (5) shall be followed as appropriate.

Application Processing

Categorical eligibility will be conferred on any otherwise eligible household with children that has received the Vermont EITC in accordance with paragraph (j)(2)(i), and will remain in effect for the remainder of the certification period, not to exceed 12 months.

- iii Under no circumstances shall any household be considered categorically eligible if:
 - A. Any member of that household is disqualified for an intentional program violation in accordance with 273.16 or for failure to comply with monthly reporting requirements in accordance with 273.21; or
 - B. The entire household is disqualified because one or more of its members failed to comply with workfare in accordance with 273.22; or
 - C. The head of the household is disqualified for failure to comply with the work requirements in accordance with 273.7.
- iv These households are subject to all SNAP benefit eligibility and benefit provisions [including the provisions of 273.11(c)] and cannot be reinstated in the program on the basis of categorical eligibility provisions.
- v No person shall be included as a member in any household which is otherwise categorically eligible if that person is:
 - A. an ineligible alien as defined in 273.4;
 - B. ineligible under the student provisions in 273.5;
 - C. an SSI recipient in a cash-out state as defined in 273.20;
 - D. institutionalized in a nonexempt facility as defined in 273.1 (e); or
 - E. ineligible because of failure to comply with a work requirement of 273.7.
- vi For the purposes of work registration, the exemptions in 273.7(b) shall be applied to individuals in categorically eligible households. Any such individual who is not exempt from work registration is subject to the other work requirements in 273.7.
- vii When determining eligibility for a categorically eligible household all provisions of this subchapter except for those listed below shall apply:
 - A. Section 273.8 except for the last sentence of paragraph (a). (Resources)
 - B. Section 273.9(a) except for the fourth sentence in the introductory paragraph. (Income)
 - C. Section 273.10(a)(1)(i). (Circumstances for the month of application) D. Section 273.10(b). (Resources at the time of interview)
 - E. Section 273.10(c) for the purposes of eligibility. (Anticipating income)

Application Processing

F. Section 273.10(e)(2)(iii)(A). (Net income limits)

3. Households With Some PA Recipients

State agencies that use the joint application processing procedures in paragraph (j)(1) of this section may apply these procedures to a SNAP applicant household in which some, but not all, members are in the PA filing unit, except for procedures concerning categorical eligibility.

k. SSI Households

For purposes of this paragraph, SSI is defined as Federal SSI payments made under Title XVI of the Social Security Act, federally administered optional supplementary payments under section 1616 of that Act, or federally administered mandatory supplementary payments made under 212(a) of Pub. L. 93-66. Except in cash-out states (273.20), households which have not applied for SNAP benefits in the thirty preceding days, and which do not have applications pending, shall apply and be certified for SNAP benefits in accordance with the procedures described in 273.2(k)(1)(i) or 273.2(k)(1)(ii) and with the notice, procedural and timeliness requirements of the Food and Nutrition Act of 2008 and its implementing regulations. Households applying simultaneously for SSI and SNAP benefits shall be subject to SNAP eligibility criteria, and benefit levels shall be based solely on SNAP eligibility criteria until the household is considered categorically eligible. However, households in which all members are either PA or SSI recipients or authorized to receive PA or SSI benefits as discussed in 273.2(j) shall be SNAP eligible based on their PA/SSI status as provided for in 273.2(j)(1)(iv) and (j)(2). Households denied NPA SNAP benefits that have an SSI application pending shall be informed on the notice of denial of the possibility of categorical eligibility if they become SSI recipients. The State agency shall make an eligibility determination based on information provided by SSA or by the household.

1. Initial Application And Eligibility Determination

At each SSA office, the State agency shall either arrange for SSA to complete and forward SNAP applications, or the State agency shall outstation State SNAP eligibility workers at the SSA Offices with SSA's concurrence, based upon an agreement negotiated between the State agency and the SSA.

- i If the State agency arranges with the SSA to complete and forward SNAP applications the following actions shall be taken:
 - A. Whenever a member of a household consisting only of SSI applicants or recipients transacts business at an SSA office, the SSA shall inform the household of:
 1. Its right to apply for SNAP benefits at the SSA office without going to the SNAP Office; and
 2. Its right to apply at a SNAP Office if it chooses to do so.
 - B. The SSA will accept and complete SNAP applications received at the SSA Office from SSI households and forward them, within one working day after receipt of a signed application, to a designated office of the State agency. SSA shall also forward to the State agency a transmittal form which will be approved by SSA and FNS. The SSA will use the national SNAP application form for joint processing. State agencies may substitute a State SNAP application, provided that prior approval is received from both FNS and SSA.

Application Processing

SSA shall approve, deny, or comment upon FNS approved State SNAP applications within thirty days of their submission to SSA.

- C. SSA will accept and complete SNAP applications from SSI households received by SSA staff in contact stations. SSA will forward all SNAP applications from SSI households to the designated SNAP State Office.
- D. The SSA staff shall complete joint SSI and SNAP applications for residents of public institutions in accordance with 273.1(e)(2).
- E. The State agency shall designate an address for the SSA to forward State SNAP applications and accompanying information to the State agency for eligibility determination. Applications and accompanying information must be forwarded to the agreed upon address in accordance with the time standards contained in 273.2(k)(1)(i)(B).
- F. Except for applications taken in accordance with paragraph (k)(1)(i)(1) of this section, the State agency shall make an eligibility determination and issue SNAP benefits to eligible SSI households within 30 days following the date the application was received by the SSA. Applications shall be considered filed for normal processing purposes when the signed application is received by SSA. The expedited processing time standards shall begin on the date the State agency receives a SNAP application. The State agency shall make an eligibility determination and issue SNAP benefits to a resident of a public institution who applies jointly for SSI and SNAP benefits within 30 days following the date of the applicant's release from the institution. Expedited processing time standards for an applicant who has applied for SNAP benefits and SSI prior to release shall also begin on the date of the applicant's release from the institution in accordance with 273.2(i)(3)(i). SSA shall notify the State agency of the date of release of the applicant from the institution. If, for any reason, the State agency is not notified on a timely basis of the applicant's release date, the State agency shall restore benefits in accordance with 273.17 to such applicant back to the date of release. SNAP applications and supporting documentation sent to an incorrect SNAP State Office shall be sent to the correct office, by the State agency, within one working day of their receipt in accordance with 273.2(c)(2)(ii).
- G. Households in which all members are applying for or participating in SSI will not be required to see a State eligibility worker, or otherwise be subjected to an additional State interview. The SNAP application will be processed by the State Agency. The State Agency shall not contact the household further in order to obtain information for certification for SNAP benefits unless: the application is improperly completed; mandatory verification required by 273.2(f)(1) is missing; or, the State agency determines that certain information on the application is questionable. In no event would the applicant be required to appear at the SNAP State Office to finalize the eligibility determination. Further contact made in accordance with this subparagraph shall not constitute a second SNAP benefit certification interview.
- H. SSA shall refer non-SSI households to the correct SNAP State Office. The State agencies shall process those applications in accordance with the procedures noted in 273.2. Applications from such households shall be considered filed on the date the signed application is taken at the correct State agency office, and the normal and expedited processing time standards shall begin on that date.

Application Processing

- I. The SSA shall prescreen all applications for entitlement to expedited services on the day the application is received at the SSA office and shall mark "Expedited Processing" on the first page of all households' applications that appear to be entitled to such processing. The SSA will inform households which appear to meet the criteria for expedited service that benefits may be issued a few days sooner if the household applies directly at the SNAP State Office. The household may take the application from SSA to the SNAP State Office for screening, an interview, and processing of the application.
- J. The State agency shall prescreen all applications received from the SSA for entitlement to expedited service on the day the application is received at the correct SNAP State Office. All SSI households entitled to expedited service shall be certified in accordance with 273.2(i) except that the expedited processing time standard shall begin on the date the application is received at the correct State agency office.
- K. The State agency shall develop and implement a method to determine if members of SSI households whose applications are forwarded by the SSA are already participating in the SNAP Program directly through the State agency.
- L. If SSA takes an SSI application or redetermination on the telephone from a member of a pure SSI household, a SNAP application shall also be completed during the telephone interview. In these cases, the SNAP application shall be mailed to the claimant for signature for return to the SSA office or to the State agency. SSA shall then forward any SNAP applications it receives to the State agency. The State agency may not require the household to be interviewed again. The State agency shall not contact the household further in order to obtain information for certification for SNAP benefits except in accordance with 273.2(k)(1)(i)(F).
- M. To SSI recipients redetermined for SSI by mail, the SSA shall send a stuffer informing them of their right to file a State SNAP application at the SSA office (if they are members of a pure SSI household) or at their local SNAP State Office, and their right to an out-of-office SNAP interview to be performed by the State agency if the household is unable to appoint an authorized representative.
- N. Section 272.4 bilingual requirements shall not apply to the Social Security Administration.
- O. State agencies shall provide and SSA shall distribute an information sheet or brochure to all households processed under this subparagraph. This material shall inform the household of the following: the address and telephone number of the household's correct SNAP State office, the remaining actions to be taken in the application process, and a statement that a household should be notified of the SNAP benefit determinations within thirty days and can contact the SNAP State office if it receives no notification within thirty days, or has other questions or problems. It shall also include the client's rights and responsibilities (including fair hearings, authorized representatives, out-of-office interviews, reporting changes and timely reapplication), information on how and where to obtain coupons, and how to use coupons (including the commodities clients may purchase with coupons).

Application Processing

- P. As part of the SSA-State agency joint SNAP benefit processing agreement, States may negotiate, on behalf of project areas, to have SSA provide initial eligibility and payment data where the local area is unable to access accurate and timely data through the State's SDX. However, in negotiating such agreements, SSA may challenge a State's determination that it does not have the computer capability to use SDX data. If SSA, FNS, and the State are unable to resolve this matter, and SSA determines that a State does have the capability to provide accurate and timely SDX data to the State SNAP project area, SSA is not required to provide alternate means of transmitting initial SSI eligibility and payment data.

- ii Deleted, not applicable

VERMONT NOTE: Economic Services Division staff will not be outstationed in SSA offices. SSA staff will use FNS approved State application forms.

- iii Regardless of whether the State agency or SSA conducts the SNAP interview, the following actions shall be taken:

A. Verification

The State agency shall ensure the information required by 273.2(f) is verified prior to certification for households initially applying. Households entitled to expedited certification services shall be processed in accordance with 273.2(i).

The State agency has the option of verifying SSI benefit payments through the State Data Exchange (SDX), the Beneficiary Data Exchange (BENDEX) and/or through verification provided by the household.

State agencies may verify other information through SDX and BENDEX but only to the extent permitted by data exchange agreements with SSA. Information verified through SDX or BENDEX shall not be reverified unless it is questionable. Households shall be given the opportunity to provide verification from another source if all necessary information is not available on the SDX or the BENDEX, or if the SDX/BENDEX information is contradictory to other household information.

Information verified through SDX or BENDEX shall not be reverified unless it is questionable. Households shall be given the opportunity to provide verification from another source if all necessary information is not available on the SDX or the BENDEX, or if the SDX/BENDEX information is contradictory to other household information.

B. Certification Period

State agencies shall certify households under these procedures for up to twelve months, according to the standards in §273.10(f), except for State agencies which must assign the initial certification period to coincide with adjustments to the SSI benefit amount as designated in §273.10(f)(3)(iii).

In cases jointly processed in which the SSI determination results in denial, and the State agency believes that SNAP eligibility or benefit levels may be affected, the State agency shall send the household a notice of expiration advising that the certification period will expire the end of the month following the month in which the notice is sent and that it must reapply if it wishes to continue to

Application Processing

participate. The notice shall also explain that its certification period is expiring because of changes in circumstances which may affect SNAP eligibility or benefit levels and that the household may be entitled to an out-of-office interview, in accordance with §273.2(e)(2).

C. Changes In Circumstances

Households shall report changes in accordance with the requirements in §273.12. The State agency shall process changes in accordance with §273.12.

Within ten days of learning of the determination of the application for SSI through SDX, the household, advisement from SSA where SSA agrees to do so for households processed under §273.2(k)(1)(i), or from any other source, the State agency shall take required action in accordance with §273.12. State agencies are encouraged to monitor the results of the SSI determination through SDX and BENDEX to the extent practical.

The State agency shall process adjustments to SSI cases resulting from mass changes, in accordance with provisions of §273.12(e).

D. SSI Households Applying At The SNAP Office

The State agency shall allow SSI households to submit SNAP applications to local SNAP offices rather than through the SSA if the household chooses. In such cases all verification, including that pertaining to SSI program benefits, shall be provided by the household, by SDX or BENDEX, or obtained by the State agency rather than being provided by the SSA.

E. Restoration Of Lost Benefits

The State agency shall restore to the household benefits which were lost whenever the loss was caused by an error by the State agency or by the Social Security Administration through joint processing. Such an error shall include, but not be limited to, the loss of an applicant's SNAP application after it has been filed with SSA or with a State agency's outstationed worker. Lost benefits shall be restored in accordance with §273.17.

2. Recertification

- i The State agency shall complete the application process and approve or deny timely applications for recertification in accordance with 273.14 of the SNAP benefit regulations. A face-to-face interview shall be waived if requested by a household consisting entirely of SSI participants unable to appoint an authorized representative. The State agency shall provide SSI households with a notice of expiration in accordance with 273.14(b), except that such notification shall inform households consisting entirely of SSI recipients that they are entitled to a waiver of a face-to-face interview if the household is unable to appoint an authorized representative.

Application Processing

- ii Households shall be entitled to make a timely application (in accordance with 273.14(b)(3)) for SNAP recertification at an SSA office under the following conditions:
 - A. In SSA offices where 273.2(k)(1)(i) is in effect, SSA shall accept the application of a pure SSI household and forward the completed application, transmittal form and any available verification to the designated State SNAP Office. Where SSA accepts and refers the application in such situations, the household shall not be required to appear at a second office interview, although the State agency may conduct an out-of-office interview, if necessary.
 - B. In SSA offices where 273.2(k)(1)(ii) is in effect, the outstationed worker shall accept the application and interview the recipient and the State agency shall process the application according to 273.14.

1. Households Applying for or Receiving Social Security Benefits

An applicant for or recipient of Social Security benefits under Title II of the Social Security Act shall be informed at the SSA office of the availability of benefits under the SNAP program and the availability of a SNAP program application at the SSA office. The SSA office is not required to accept applications and conduct interviews for Title II applicants/recipients unless the State agency has chosen to outstation eligibility workers at the SSA office and has an agreement with SSA to allow the processing of such households at SSA offices. In these cases, processing shall be in accordance with 273.1(k)(1)(ii).

m. Households Where Not All Members are Applying for or Receiving SSI

An applicant for or recipient of SSI shall be informed at the SSA office of the availability of benefits under the SNAP program and the availability of a SNAP application at the SSA office. The SSA office is not required to accept applications or to conduct interviews for SSI applicants or recipients who are not members of households in which all are SSI applicants or recipients unless the State agency has chosen to outstation eligibility workers at the SSA office. In this case, processing shall be in accordance with 273.2(k)(1)(ii).

VERMONT NOTE: Eligibility workers will not be outstationed in SSA offices.

Action on Households with Special Circumstances

50 percent of the proceeds from the sale of capital goods or equipment are taxed for Federal Income Tax purposes; the State Agency shall count the full amount of the capital gain as income for SNAP purposes.

4. Allowable Costs of Producing Self-Employment Income

- i. Allowable costs of producing self employment income include, but are not limited to, the identifiable costs of labor, stock, raw material, seed and fertilizer, interest paid to purchase income producing property, insurance premiums, and taxes paid on income producing property.
- ii. In determining net self employment income, the following items shall not be allowable as a cost of doing business.
 - A. Payments on the principal of the purchase price of income producing real estate and capital assets, equipment, machinery, and other durable goods and;
 - B. Net losses from previous periods; and
 - C. Federal, State, and Local income taxes, money set aside for retirement purposes, and other work related personal expenses (such as transportation to and from work), as these expenses are accounted for by the 20 percent earned income deduction specified in 273.9(d)(2); and
 - D. Depreciation.

5. Assigning Certification Periods

- iii. Households that receive their annual support from self employment and have no other source of income may be certified for up to 12 months. For those households that receive other sources of income and whose self employment income is intended to cover a period of time that is less than a year, the State Agency shall assign a certification period appropriate for the household's circumstances.
- iv. For those self employed households that receive their annual income in a short period of time, the initial certification period shall be assigned to bring the household into the annual cycle. For example, the State agency may provide for recertification at the time the household normally receives all or a majority of its annual income or the State agency may prefer to have the annual cycle coincide with the filing of the household's income tax.

Action on Households with Special Circumstances

b. Households with Income from Boarders and Daycare

1. Households with Boarders

Persons paying a reasonable amount for room and board as specified in 273.1(c) shall be excluded from the household when determining the household's eligibility and benefit level. The income of households owning and operating a commercial boarding house shall be handled as described in paragraph (a) of this section. For all other households, payments from the boarder, except foster care boarders as defined in 273.1(c) (6), shall be treated as self employment income and the household's eligibility determined as follows:

i. Income from the Boarder

The income from boarders shall include all direct payments to the household for room and meals, including contributions to the household's shelter expenses.

Action on Households with Special Circumstances

2. When the earned income of one or more household members and the earned income of a non-household member are combined into one wage, the income of the household members shall be determined as follows:
 - i. If the household's share can be identified, the State agency shall count that portion due to the household as earned income.
 - ii. If the household's share cannot be identified, the State agency shall prorate the earned income among all those whom it was intended to cover and count that prorated portion to the household.
 3. Such non-household members shall not be included when determining the size of the household for purposes of:
 - i. Assigning a benefit level to the household;
 - ii. Comparing the household's month income with the income eligibility standards; or
 - iii. Comparing the household's resources with the resource eligibility limits.
- e. Residents of Drug/Alcohol Treatment and Rehabilitation Programs
1. Narcotics addicts or alcoholics who regularly participate in publicly operated or private nonprofit drug or alcoholic treatment and rehabilitation programs on a resident basis may voluntarily apply for the SNAP benefit. Resident addicts and alcoholics shall have their eligibility determined as a one person household. The State agency shall certify residents of addict/alcoholic treatment centers by ensuring the same provisions that apply to all other applicant households except that certification must be accomplished through an authorized representative as described in 273.1(f)(2). Prior to certifying any residents for SNAP benefits, the State Agency shall verify that the treatment center is authorized by FNS as a retailer if the center wishes to redeem coupons through a wholesaler or, if it is not authorized by FNS as a retailer that it is under part B of title XIX of Public Health Service Act (as defined in "Drug Addiction or Alcoholic Treatment and Rehabilitation Program" in 271.2). The guidelines for issuing FNS authorizations to these treatment centers are set forth in 7 CFR 278.1(e).

Prior to certifying any residents for SNAP benefits, the State agency shall verify that the treatment center is authorized by FNS as a retailer or is funded under part B of Title XIX of the Public Health Service Act (42.U.S.C. 300x et seq.)
 2. Each treatment and rehabilitation center shall provide the State agency with a list of currently participating residents. This list shall include a statement signed by a responsible center official attesting to the validity of the list. The State agency shall require the list on either a monthly or semi-monthly basis. In addition, the State agency shall conduct periodic random onsite visits to the center to assure the accuracy of the list and that the State agency's records are consistent and up to date.

Action on Households with Special Circumstances

VERMONT NOTE: Shall require the list on a monthly basis.

3. The following provisions apply to residents of treatment centers:
 - i. When expedited processing standards as described in 273.2(i) are necessary, eligibility for the initial application shall be processed on an expedited basis, and the State agency shall complete verification and documentation requirements prior to issuance of a second coupon allotment;

VERMONT NOTE: Cash out households shall complete verification and documentation prior to issuance of a second 3SquaresVT issuance.

- ii. When normal processing standards apply, the State agency shall complete the verification and documentation requirements prior to making an eligibility determination for the initial application;
 - iii. The State agency shall process changes in household circumstances and recertification's by using the same standards that apply to all other SNAP households; and
 - iv. Resident households shall be afforded the same rights to notices of adverse action, to fair hearings, and to entitlement to lost benefits as are all other SNAP households.
4. The treatment center shall notify the State agency as provided in Section 273.12(a), of changes in the household's income or other household circumstance and of when the addict or alcoholic leaves the treatment center. The treatment center shall return a household's coupons received after the household has left the center.

VERMONT NOTE: For Cash-Out recipients, the treatment center shall return the EBT Card.

5.
 - i. When the household leaves the center, the center shall provide the resident household with its ID card and any un-transacted EBT cards. The household, not the center, shall be allowed to sign for and receive any remaining authorized benefits reflected by HIR cards. The departing household shall also receive its full allotment if issued by direct mail, and if no coupons have been spent on behalf of that individual household. These procedures are applicable any time during the month. However, if the coupons have already been issued and any portion spent on behalf of the individual, and the household leaves the treatment and rehabilitation program prior to the 16th day of the month and the coupons have already been issued and used, the household does not receive any coupons.

Action on Households with Special Circumstances

- ii. Once the household leaves, the center is no longer allowed to act as that household's authorized representative. The center, if possible, shall provide the household with a change report form to report to the State agency the household's new address and other circumstances after leaving the center, and shall advise the household to return the form to the appropriate office of the State agency within 10 days.
- iii. The treatment center shall return to the State agency any coupons not provided to departing residents at the end of each month. These returned coupons shall include those not provided to departing residents because they left on or after the 16th of the month.

VERMONT NOTE: For Cash Out recipients, the treatment center shall return the EBT Card.

- 6. The organization or institution shall be responsible for any misrepresentation or intentional program violation which it knowingly commits in the certification of center residents. As an authorized representative, the organization or institution must be knowledgeable about household circumstances and should carefully review those circumstances with residents.

INTERPRETIVE MEMO

☒ Food Stamp Rule Interpretation

☐ Procedure Interpretation

This interpretive memo remains effective statewide until it is specifically superseded—either by a subsequent interpretive memo or by a contradictory rule with a later date.

Reference 273.11f Date of this Memo 10/5/1988 Page 1 of 1

This Memo: ☐ is New ☒ Replaces one dated 12/10/1980

QUESTION: We have several clients who are living in unlicensed community care facilities. However SSA allows these people the maximum amount for SSI/AABD, as if they were in a licensed facility. Can these people be eligible for SNAP benefits?

ANSWER: No. The home has to be actually licensed for the person to be eligible. Please note: Social Security Administration does not allow the maximum licensed home rate for an unlicensed community care unit facility. The home must be licensed to get the higher payment level. If you are aware of a person receiving the higher rate notify SSA and Family Services Division's licensing unit.

Action on Households with Special Circumstances

prior to applying on their behalf. The organization or institution shall be strictly liable for all losses or misuse of food coupons held on behalf of resident households and for all over-issuances which occur while the households are residents of the treatment center.

7. The organization or institution authorized by FNS as a retail food store may be penalized or disqualified, as described in Section 278.6, if it is determined administratively or judicially that coupons were misappropriated or used for purchases that did not contribute to a certified household's meals. The State agency shall promptly notify FNS when it has reason to believe that an organization or institution is misusing coupons in its possession. However, the State agency shall take no action prior to FNS action against the organization or institution. The State agency shall establish a claim for over-issuances of food coupons held on behalf of resident clients as stipulated in paragraph (e)(6) of this section if any over-issuances are discovered during an investigation or hearing procedure for redemption violations. If FNS disqualifies an organization or institution as an authorized retail food store, the State agency shall suspend its authorized representative status for the same period.

f. Residents of a Group Living Arrangement

1. Disabled or blind residents of a group living arrangement (as defined in 271.2) may voluntarily apply for SNAP. If these residents apply through the use of the facility's authorized representative, their eligibility shall be determined as one person households. If the residents apply on their own behalf, the household size shall be in accordance with the definition in 273.1. The State agency shall certify these residents using the same provisions that apply to all other households. Prior to certifying any residents for SNAP benefits, the State agency shall verify that the group living arrangement is authorized by FNS or is certified by the appropriate agency or agencies of the State (as defined in 271.2) including that agency's (or agencies') determination that the center is a nonprofit organization.
2. Each group living arrangement shall provide the State agency with a list of currently participating residents. This list shall include a statement signed by a responsible center official attesting to the validity of the list. The State shall require the list on a periodic basis. In addition, the State agency shall conduct periodic random onsite visits to assure the accuracy of the list and that the State agency's records are consistent and up to date.
3. The same provisions applicable in 273.11(e)(3) to residents of treatment centers also apply to blind or disabled residents of a group living arrangements when the facility acts as the resident's authorized representative.
4. If the resident has made application on his/her own behalf, the household is responsible for reporting changes to the State agency as provided in 273.12(a). If the group living arrangement is acting in the capacity of an authorized representative, the group living arrangement shall notify the State agency, as provided in 273.12(a), of changes in the

Action on Households with Special Circumstances

household's income or other household circumstances and when the individual leaves the group living arrangement. The group living arrangement shall return any household's EBT card or coupons to the State agency if they are received after the household has left the group living arrangement.

5.
 - i. When the household leaves the facility, the group living arrangement, either acting as (regardless of the method of application), shall provide residents with their ID cards (if applicable) and any un-transacted EBT cards. The household, not the group living arrangement, shall be allowed to sign for and receive any remaining authorized benefits reflected on HIR cards. Also, the departing household shall receive its full allotment if issued by direct mail and if no coupons have been spent on behalf of that individual household. These procedures are applicable any time during the month. However, if the coupons have already been issued and any portion spent on behalf of the individual, and the household leaves the group living arrangement prior to the 16th day of the month, the facility shall provide the household with its ID card (if applicable) and one half of its monthly coupon allotment. If the household leaves on or after the 16th day of the month and the coupons have already been issued and used, the household does not receive any coupons. If a group of residents have been certified as one household and have returned the coupons to the facility to use, the departing residents shall be given a pro rata share of one half of the household's monthly coupon allotment if leaving prior to the 16th day of the month.
 - ii Once the resident leaves, the group living arrangement no longer acts as his/her authorized representative. The group living arrangement, if possible, shall provide the household with a change report form to report to the State agency the individual's new address and other circumstances after leaving the group living arrangement and shall advise the household to return the form to the appropriate office of the State agency within 10 days.
 - iii The group living arrangement shall return to the State agency any coupons not provided to departing residents at the end of each month. These returned coupons shall include those not provided to departing residents because they left on or after the 16th of the month or they left prior to the 16th and the facility was unable to provide them with the coupons.
6. The same provisions applicable to drug and alcoholic treatment center in 273.11(e)(6) and (7) also apply to group living arrangements when acting as an authorized representative. These provisions, however, are not applicable if a resident has applied on his/her own behalf. The resident applying on his/her own behalf shall be responsible for over issuances as would any other household as discussed in 273.18.
7. The group living arrangement may purchase and prepare food to be consumed by eligible residents on a group basis if residents normally obtain their meals at a central location as part of the group living arrangement services or if meals are prepared at a central location for delivery to the individual residents. If residents purchase and/or prepare food for home consumption, as opposed to communal dining, the group living arrangement shall ensure that each resident's SNAP benefits are used for meals intended for that resident. If the resident retains use of his/her own coupon allotment, he/she may either use the coupons to purchase meals prepared for them by the facility or to purchase food to prepare meals for their own consumption.

Action on Households with Special Circumstances

g. Shelters For Battered Woman and Children

1. Prior to certifying its residents under this paragraph, the State agency shall determine that the shelter for battered women and children meets the definition in 271.2 and document the basis of this determination. Shelters having FNS authorization to redeem at wholesalers shall be considered as meeting the definition and the State agency is not required to make any further determination. The State agency may choose to require local project area offices to maintain a list of shelters meeting the definition to facilitate prompt certification of eligible residents following the special procedures outlined below.
2. Many shelter residents have recently left a household containing the person who has abused them. Their former household may be certified for participation in the program, and its certification may be based on a household size that includes the women and children who have just left. Shelter residents who are included in such certified households may nevertheless apply for and (if otherwise eligible) participate in the program as separate households if such certified households which includes them is the household containing the person who subjected them to abuse. Shelter residents who are included in such certified households may receive an additional allotment as a separate household only once a month.
3. Shelter residents who apply as separate households shall be certified solely on the basis of their income and resources and the expenses for which they are responsible. They shall be certified without regard to the income, resources, and expenses of their former household. Jointly held resources shall be considered inaccessible in accordance with 273.8. Room payments to the shelter shall be considered as shelter expenses.
4. Any shelter residents eligible for expedited service shall be handled in accordance with 273.2(i).
5. State agencies shall take prompt action to ensure that the former household's eligibility or allotment reflects the change in the household's composition. Such action shall include either shortening the certification period by issuing a notice of expiration in accordance with 273.14(b) to the former household of shelter residents or acting on the reported change in accordance with 273.12 by issuing a notice of adverse action in accordance with 273.13.

h. Homeless SNAP Households

Homeless SNAP households shall be permitted to use their SNAP benefits to purchase prepared meals from homeless meal providers authorized by FNS under 278.1(h).

i. Pre-release Applicants

A household which consists of a resident or residents of a public institution(s) which applies for SSI under SSA's Pre-release Program for the Institutionalized shall be allowed to apply for SNAP benefits jointly with their application for SSI prior to their release from the institution. Such households shall be certified in accordance with the provisions of 273.1(e), 273.2(c), (g), (i), (j), and (k) and 273.10(a), as appropriate.

Action on Households with Special Circumstances

j. Households Containing Sponsored Alien Members

1. Definitions

“Sponsored alien” means those aliens lawfully admitted for permanent residence into the United States as described in 273.4(a) (2). “Sponsor” means a person who executed an affidavit(s) of support or similar agreement on behalf of an alien as a condition of the alien’s entry or admission into the United States as a permanent resident. “Date of entry” or “Date of admission” means the date established by the Immigration and Naturalization Service as the date the sponsored alien was admitted for permanent residence.

2. Deeming of Sponsor’s Income and Resources as That of the Sponsored Alien for Pre-Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) Sponsor Agreements

VERMONT NOTE: PRWORA instructs the Attorney General of the United States to revise the affidavit of support that a sponsor signs on behalf of an alien to incorporate the changes mandated under PRWORA. Use of this revised form should begin sometime in the months following enactment of the PRWORA. Sponsor’s income and resources should be considered as specified in this section for those sponsors who signed an affidavit prior to the form’s revision. For those sponsors who signed a revised form, their income and resources should be considered as specified in Section 3, below.

Action on Households with Special Circumstances

Portions of the gross income and the resources of a sponsor and the sponsor's spouse (if living with the sponsor) shall be deemed to be the unearned income and resources of a sponsored alien for three years following the alien's admission for permanent residence to the United States. The spouse's income and resources will be counted even if the sponsor and spouse were married after the signing of the agreement.

- i. The monthly income of the sponsor and sponsor's spouse (if living with the sponsor) deemed to be that of the alien shall be the total monthly earned and unearned income as defined in 273.9(b) (including the income exclusions provided for in 273.9(c)) of the sponsor and the sponsor's spouse at the time the household containing the sponsored alien member applies or is recertified for program participation, reduced by:
 - A. A 20 percent earned income amount for that portion of income determined as earned income of the sponsor and the sponsor's spouse;
 - B. An amount equal to the SNAP program's monthly gross income eligibility limit for a household equal in size to the sponsor, the sponsor's spouse, and any other person who is claimed or could be claimed by the sponsor or sponsor's spouse as a dependent for Federal Income Tax purposes.
- ii. If the alien has already reported gross income information on his/her sponsor due to AFDC's sponsored alien rules, that income amount may be used for SNAP program deeming purposes. However, allowable reductions to be applied to the total gross income of the sponsor and the sponsor's spouse prior to attributing an income amount to the alien, shall be limited to the 20 percent earned income amount and the SNAP gross monthly income amount provided for in paragraphs (j)(2)(i)(A) and (j)(2)(i)(B) of this section.
- iii. Actual money paid to the alien by the sponsor or the sponsor's spouse will not be considered as income to the alien unless the amount paid exceeds the amount attributed to the alien under paragraph (j)(2)(i) of this section. Only the portion of the amount paid that actually exceeds the amount deemed would be considered income to the alien in addition to the deemed income amount.
- iv. Resources of the sponsor and sponsor's spouse to be deemed to be that of the alien shall be the total amount of their resources as determined in accordance with 273.8, reduced by \$2,000.
- v. The amount of income and resources deemed to be that of the sponsored alien in accordance with paragraphs (j) (2) (i) and (iv) of this section, shall be considered in determining the eligibility and benefit level of the household of which the alien is a member.
- vi. If a sponsored alien can demonstrate to the State agency's satisfaction that his/her sponsor, sponsors other aliens, then the income and resources deemed under the provisions of paragraphs (j)(2)(i) and (iv) of this section shall be divided by the number of such aliens that apply for or are participating in the program.

Action on Households with Special Circumstances

- vii. If the alien reports that he/she has changed sponsors during the certification period, then deemed income and resources shall be recalculated based on the required information about the new sponsor and sponsor's spouse as outlined in paragraphs (j) (2) (i) through (j) (2) (iv) of this section and the reported change would be handled in accordance with the timeframes and procedures outlined in 273.12 or 273.21, as appropriate.

In the event that an alien loses his/her sponsor during the three year limit on the sponsored alien provisions of this section and does not obtain another, the deemed income and resources of the previous sponsor shall continue to be attributed to the alien until such time as the alien obtains another sponsor or until the three year period for applying the sponsored alien provisions expires, whichever occurs first. However, should the alien's sponsor become deceased, the deemed income and resources of the sponsor shall no longer be attributed to the alien.

3. Deeming of Sponsor's Income and Resources as That of the Sponsored Alien for Post-Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) Sponsor Agreements

The gross income and the resources of a sponsor and the sponsor's spouse (if living with the sponsor) shall be deemed to be the unearned income and resources of a sponsored alien until the sponsored alien becomes a United States Citizen or meets the requirement at 273.4a (4). The spouse's income and resources will be counted even if the sponsor and spouse were married after the signing of the agreement.

- i. The monthly gross income of the sponsor and sponsor's spouse (if living with the sponsor) deemed to be that of the alien shall be the total monthly gross earned and unearned income as defined in 273.9(b) of the sponsor and the sponsor's spouse at the time the household containing the sponsored alien member applies or is recertified for program participation.
- ii. Resources of the sponsor and sponsor's spouse to be deemed to be that of the alien shall be the total amount of their resources as determined in accordance with 273.8.
- iii. The amount of income and resources deemed to be that of the sponsored alien in accordance with paragraphs (j) (3) (i) and (ii) of this section shall be considered in determining the eligibility and benefit level of the household of which the alien is a member.
- iv. The deemed income and resources of a sponsor to a sponsored alien must be reviewed each time the alien reapplies. The requirement to deem all of a sponsor's income and resources to a sponsored alien must be met at any eligibility determination or redetermination that occurs after August 22, 1996.

Action on Households with Special Circumstances

4. Exempt Aliens

The provisions of this paragraph do not apply to:

- i. An alien who is participating in SNAP as a member of his or her sponsor's household or an alien whose sponsor is participating in SNAP separate and apart from the alien;
- ii. An alien who is sponsored by an organization or group as opposed to an individual;
- iii. An alien who is not required to have a sponsor under the Immigration and Nationality Act, such as, but not limited to, a refugee, a parolee, one granted asylum, and a Cuban or Haitian entrant.
- iv. An alien (including an alien child) or an alien's child, for a 12-month period, if all the conditions, except b and c, of #7, #8, or #9 under the definition of a qualified alien are met. The exemption may continue beyond the 12-month period if the alien demonstrates that the battery or cruelty was recognized in an order of a judge or administrative law judge or a determination by INS and the battery or cruelty has substantial connection to the need for benefits.

5. Sponsored Alien's Responsibility

For a period of three years from the alien's date of entry or date of admission as a lawful permanent resident, the alien shall be responsible for:

- i. Obtaining the cooperation of his/her sponsor;
- ii. For providing the State agency at the time of application and at the time of recertification with the information and/or documentation necessary to calculate deemed income and resources in accordance with paragraphs (j)(2)(i) through (j)(2)(iv) of this section; and
- iii. For providing the names (or other identifying factors) of other aliens for whom the alien's sponsor has signed an agreement to support, to enable the State agency to determine how many of such other aliens are SNAP applicants or participants and initiate the proration provisions in paragraph (j)(2)(vi) of this section.

If such information about other aliens for whom the sponsor is responsible is not provided to the State agency, the deemed income and resource amounts calculated shall be attributed to the applicant alien in their entirety until such time as the information is provided. The alien shall also be responsible for:

- iv. Reporting the required information about the sponsor and sponsor's spouse should the alien obtain a different sponsor during the certification period; and

Action on Households with Special Circumstances

- v. For reporting a change in income should the sponsor or the sponsor's spouse change or loses employment or become deceased during the certification period. Such changes shall be handled in accordance with the timeliness standards and procedures described in 273.12 and 273.21 as appropriate.

With respect to sponsors identified at 273.11(j)(3), until an alien obtains United States citizenship or earns 40 qualifying quarters of work (excluding any quarters beginning January 1, 1997, for which the alien received benefits under a federal means-tested program), the alien shall be responsible for providing the information required under 273.11(j)(5)(i), (ii), and (v).

6. State Agency Responsibilities

- i. The State agency shall obtain the following information from the alien at the time of the household's initial application and at the time the household applies for recertification.
 - A. The income and resources of the alien's sponsor and the sponsor's spouse (if living with the sponsor).
 - B. The names or other identifying factors (such as an alien registration number) of other aliens for whom the sponsor has signed an affidavit of support or similar agreement to enable the State agency to fulfill the requirements of paragraph (j)(2)(vi) of this section.
 - C. The provision of the Immigration and Nationality Act under which the alien was admitted.
 - D. The date of the alien's entry or admission as a lawful permanent resident as established by INS.
 - E. The alien's date of birth, place of birth, and alien registration number.
 - F. The number of dependents who are claimed or could be claimed as dependents by the sponsor or the sponsor's spouse for Federal income tax purposes.
 - G. The name, address, and phone number of the alien's sponsor.
- ii. The State agency shall verify income information obtained in accordance with paragraphs (j)(4) and (j)(5)(i) of this section. The State agency shall verify all other information obtained in accordance with paragraphs (j)(4) and (j)(5)(i) of this section if questionable and which affects household eligibility and benefit level in accordance with procedures established in 273.2(f)(2). State agencies shall assist aliens in obtaining verification in accordance with the provisions of 273.2(f)(5).

Action on Households with Special Circumstances

7. Awaiting Verification

While the State agency is awaiting receipt and/or verification from the alien of information necessary to carry out the provisions of paragraph (j)(2) of this section, the sponsored alien shall be ineligible until such time as all necessary facts are obtained.

The eligibility of any remaining household members shall be determined. The income and resources of the ineligible alien (excluding the deemed income and resources of the alien's sponsor and sponsor's spouse) shall be considered available in determining the eligibility and benefit level of the remaining household members in accordance with paragraph (c) of this section. If the sponsored alien refuses to cooperate in providing and/or verifying needed information, other adult members of the alien's household shall be responsible for providing and/or verifying information required in accordance with the provision of 273.2(d). If the information and/or verification is subsequently received, the State agency shall act on the information as a reported change in household membership in accordance with the timeliness standards in 273.12 or 273.21 as appropriate. If the same sponsor is responsible for the entire household, the entire household is ineligible until such time as needed sponsor information is provided and/or verified. State agencies shall assist aliens in obtaining verification in accordance with the provisions of 273.2(f)(5).

8. Memorandum of Agreement

The Secretary shall enter into an agreement with the Secretary of State and the Attorney General whereby they shall inform any sponsor of an alien and the alien, at the time the sponsor executes an affidavit of support or similar agreement on behalf of an alien, of the requirements of Section 1308 of Public Law 97 98. Under the agreement the Bureau of Consular Affairs of the State Department and local INS offices shall provide information to State agencies that is needed to carry out the provisions of this paragraph. This agreement shall set forth the specific information that must be released by all parties to facilitate identification of the alien and sponsor and enable state agencies to perform required verification of information supplied by the alien which is essential for eligibility determinations, as specified in paragraph (j)(5) of this section.

9. Overissuance Due to Incorrect Sponsor Information

- i. Any sponsor of an alien shall be jointly and severally liable for repayment of any overissuance of coupons as a result of incorrect information provided by the sponsor. However, if the alien's sponsor had good cause or was without fault for supplying the incorrect information, the alien's household shall be solely liable for repayment of the Over-issuance. The State agency shall establish procedures for determining good cause under this provision, and shall include such procedures in its State Plan of Operation.
- ii. Where the sponsor did not have good cause, the State agency shall decide whether to establish a claim for the over-issuance against the sponsor or the alien's household or both. The State agency may choose to establish a claim against the party it deems most likely to repay first. If a claim is established against the alien's sponsor first, the State agency shall ensure that a claim is established against the alien's sponsor first, the State agency shall ensure that a claim is established against the alien's household whenever the sponsor fails to respond to the State agency's demand letter within 30 days of receipt. The State agency shall return to the alien's sponsor and/or the alien's household any amounts repaid in excess of the total amount of the claim.

Action on Households with Special Circumstances

iii. Collecting Claims Against Sponsors

- A. State agencies shall initiate collection action by sending the alien's sponsor a written demand letter which informs the sponsor of the amount owed, the reason for the claim, and how the sponsor may pay the claim. The sponsor shall also be informed that the sponsor will not be held responsible for repayment of the claim if the sponsor can demonstrate that he/she had good cause or was without fault for the incorrect information having been supplied to the State agency. In addition, the State agency shall follow up the written demand letter with personal contact, if possible. The sponsor is entitled to a fair hearing either to contest a determination that the sponsor was at fault where it was determined that incorrect information has been provided or to contest the amount of the claim.
- B. The State agency may pursue other collection actions, as appropriate, to obtain payment of a claim against any sponsor which fails to respond to a written demand letter. The State agency may terminate collection action against a sponsor at any time if it has documentation that the sponsor cannot be located or when the cost of further collection is likely to exceed the amount that can be recovered.
- C. If the alien's sponsor responds to the written demand letter and is financially able to pay the claim at one time, the State agency shall collect a lump sum cash payment. The State agency may negotiate a payment schedule with the sponsor for repayment of the claim, as long as payments are provided in regular installments. Payments shall be submitted to FNS in accordance with the procedures specified in 273.18(h). For submissions to FNS, any fund collected from the sponsor shall be reported and the State agency's retention shall be based on whether the corresponding claim against the alien's household is being treated as an inadvertent household error claim or intentional misrepresentation or fraud claim.

iv. Collecting Claims Against Alien Households

Prior to initiating collection action against the household of a sponsored alien for repayment of an over-issuance caused by incorrect information concerning the alien's sponsor or sponsor's spouse, the State agency shall determine whether such incorrect information was supplied due to inadvertent household error or act of intentional program violation on the part of the alien. If sufficient documentary evidence exists to substantiate that the incorrect information was provided in an act of intentional program violation on the part of the alien, the State agency shall pursue the case in accordance with 273.16 for intentional program violation disqualifications. The claim against the alien's household shall be handled as an inadvertent household error claim prior to the determination of intentional program violation by an administrative disqualification hearing official or a court of appropriate jurisdiction. If the State agency determines that the incorrect information was supplied due to misunderstanding or unintended error on the part of the sponsored alien, the claim shall be handled as an inadvertent household error claim in accordance with 273.18.

Action on Households with Special Circumstances

These actions shall be taken regardless of the current eligibility of the sponsored alien or the alien's household.

k. Failure to Comply with Another Assistance Program's Requirements

A State agency shall not increase SNAP benefits when a household's benefits received under another means-tested Federal, State, or Local welfare or public assistance program, which is governed by welfare or public assistance laws or regulations and which distributes public funds, have been decreased (reduced, suspended or terminated) due to any failure to comply with a requirement of the program that imposed the benefit decrease. This provision does not apply in the case of individuals or households subject to a SNAP work sanction imposed pursuant to 7 CFR 273.7(g)(2). State agency procedures shall adhere to the following minimum conditions:

1. This provision must be applied to all applicable cases. If a State agency is not successful in obtaining the necessary cooperation from another Federal, State or Local means-tested welfare or public assistance program to enable it to comply with the requirements of this provision, the State agency shall not be held responsible for noncompliance as long as the State agency has made a good faith effort to obtain the information.
2. A State agency shall not suspend or terminate a household's current SNAP allotment account when the household's benefits under another applicable assistance program have been decreased due to an intentional failure to comply with a requirement of that program.
3. A State agency must adjust SNAP benefits when eligible members are added to the SNAP household regardless of whether or not the household is prohibited from receiving benefits for the additional member under another Federal, State or Local welfare or public assistance means-tested program.
4. Changes in household circumstances which are not related to a penalty imposed by another Federal, State, or Local welfare or public assistance means-tested program shall not be affected by this provision.