10-144

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE FOR FAMILY INDEPENDENCE

Chapter 301

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) RULES

(*formerly* FOOD SUPPLEMENT PROGRAM)

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To determine a household's monthly benefit using the charts found in FS 999-3:

1) Calculate the household's net monthly income. Households which are not categorically eligible will have net monthly incomes which are lower than or equal to the amounts shown in Chart 1.

2) Multiply the net monthly income by 30 percent.

3) Round the product up to the next whole dollar if it ends in 1-99¢.

4) To obtain the household's allotment, subtract the result (steps 1-3 above) from the Maximum Benefit (Chart 5) for the appropriate household size.

5) Persons in household sizes one and two and which are categorically eligible will be eligible for benefits of at least those shown in Chart 6.

**USE** - Food Supplement Program benefits are intended for the purchase of eligible foods, including seeds and plants. Persons outside the household may be designated to purchase food. Households are not required to have cooking facilities or access to cooking facilities to participate.

Certain households have been authorized by Congress to use FS to obtain prepared meals. Some examples are:

1. Communal dining facilities for the elderly, disabled, homeless, etc.

2. Meals on Wheels for the elderly or house-bound

3. Substance Abuse Treatment Centers

4. Group living arrangements for disabled persons. ("Disabled" as defined in FS 999-1)

5. Shelters for the homeless. (FS 999-1)

**PERSONNEL STANDARDS** - Personnel used in certification shall be employed in accordance with standards for a merit system prescribed by the U.S. Civil Service Commission.

**RECORDS** - All certification and fiscal records shall be retained in an orderly fashion for a period of three years from the origin of the records.

**DISCLOSURE OF INFORMATION** - Rules and regulations shall be made available, upon request, to the general public.

**Address Confidentiality Program**

The Address Confidentiality Program, administered by the Secretary of State, provides address confidentiality for victims of domestic violence, stalking or sexual assault and requires state and local agencies and the courts to accept a designated address as the program participants' address when creating a public record. When an applicant or recipient verifies that they are a certified participant in the Address Confidentiality Program, **the designated address is the only address accepted and provided** when staff is required to release information in each circumstance described.

The Department shall restrict the use or disclosure of information obtained from applicant and participating households to:

1. Persons directly connected with:

a. the administration or enforcement of the provisions of the *Food and Nutrition Act of 2008* or regulations;

b. other Federal assistance programs;

c. federally-assisted State programs providing assistance on a means-tested basis to low income individuals;

d. general assistance programs;

e. the administration or enforcement of the programs which are required to participate in the income and eligibility verification system (IEVS) to the extent the food assistance benefit information is useful in establishing or verifying eligibility or benefit amounts under those programs;

f. the verification of immigration status of aliens applying for food assistance benefits, through the Systematic Alien Verification for Entitlements (SAVE) Program, to the extent the information is necessary to identify the individual for verification purposes;

g. the administration of the Child Support Program; and

h. the administration of federal work requirements and employment and training programs.

2. and to

a. employees of the Secretary of Health and Human Services as necessary to assist in establishing or verifying eligibility or benefits for Social Security or SSI;

b. employees of the Comptroller General's Office of the United States for audit examination authorized by any other provision of law; and

c. local, state, or federal law enforcement officials, upon their written request, if the officer furnishes the household member’s name and information that the household member is fleeing to avoid prosecution or custody for a felony, or is violating a condition of parole or probation; where the household member has information necessary for the apprehension or investigation of another member who is fleeing to avoid prosecution or custody for a felony, or has violated a condition of probation or parole. The Department shall disclose only such information as is necessary to comply with a specific written request of a law enforcement official authorized by this section. This may include address, social security number and if available picture of the food assistance recipient in question, if requested.

**NOTE**: The written request shall include the identity of the individual requesting the information and his authority to do so, violation being investigated, and the identity of the person on whom the information is requested.

Recipients of this released information must adequately protect the information against unauthorized disclosure to persons or for purposes not specified in this section. In addition, information received through the IEVS must be protected from unauthorized disclosure as required by regulations established by the information provider.

**EXCEPTION**: The Department shall report any household member known to be illegally present in the United States.

**Americans with Disabilities Act** – In accordance with the *Americans with Disabilities Act*, no qualified individual with a disability will, by reason of such disability, be excluded from participation in, or be denied the benefits of, the services, programs or activities of the Maine Department of Health and Human Services, or be subjected to discrimination by the Maine Department of Health and Human Services.

**NONDISCRIMINATION** - No applicant or participant shall be discriminated against for any reason whatsoever in any aspect of program administration. Enforcement action may be brought under any applicable Federal or State law. Title VI complaints shall be processed in accord with 7 CFR Part 15.

**COMPLAINTS**

The Department shall accept all complaints of discrimination, written or verbal, and forward them promptly to the Secretary or Administrator at the Department of Agriculture. People who believe that they have been subject to discrimination may also file a complaint directly with the Secretary of the Department of Agriculture.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race,

color, national origin, sex, religious creed, disability, age, political beliefs, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf), (AD-3027) found online at: <http://www.ascr.usda.gov/complaint_filing_cust.html>, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

(1) mail: U.S. Department of Agriculture

Office of the Assistant Secretary for Civil Rights

1400 Independence Avenue, SW

Washington, D.C. 20250-9410;

(2) fax: (202) 690-7442; or

(3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov) .

This institution is an equal opportunity provider.

**ISSUANCE SYSTEM** - Benefits are issued electronically through the Electronic Benefit Transfer (EBT) System. (See Section FS 777-7) EBT cards are created and mailed from the Food Supplement Program EBT Office in Augusta, Maine. New benefit authorizations are processed on a daily basis, Monday through Friday, excluding holidays.

The regular monthly benefits are issued during a five-day period each month. Client benefits are available on the same date each month, (10th - 14th), once a client is included in the issuance cycle. The issuance date is based on the date of birth of the case head.

**1. GENERAL RULE**

A household must satisfy certain conditions, and the number of individuals in the household must be established, before financial eligibility can be determined. Factors affecting the composition of a household shall be verified, if it is contradictory to information known to or received by the Department.

A. Households must reside in the State of Maine.

B. Households must not live in an institution which provides the majority of meals, except for--

(1) federally subsidized housing for individuals who are elderly, built under either Section 202 or 236 of the *National Housing Act et seq.*

(2) centers for the treatment of Substance Use Disorders (Section 444-5).

(3) approved group living arrangements for individuals with disabilities (Section 444-5).

(4) shelters for battered persons (Section 444-6).

(5) shelters for individuals experiencing homelessness (Section 999-1).

**NOTE:** Individuals residing in correctional facilities are not eligible for SNAP during their stay, but may apply for benefits within 30 days prior to release. See Section 222-1.

**2. A HOUSEHOLD MAY BE**

A. an individual living alone;

B. an individual or a group of individuals who live with others, but purchase and prepare meals separately including roomers;

C. an individual at least 60 years of age who has a permanent disability which renders them unable to prepare their own meals and their spouse who live with others whose gross income does not exceed 165% of the Federal Poverty Level (Section 999-3 Chart 3);

**NOTE:** Exclude the individual who is elderly and their spouse when making this income determination.

or

D. a group of individuals who live together and purchase and prepare the majority of their meals together, even if the food is eaten elsewhere.

**NOTE:** Household members may be away from home part of the certification period but still be considered “living together”. The deciding factor to consider an individual part of a household is the “majority of meals” rule as stated above. Majority of meals can be determined by counting meals shared with the applicant household from the previous month or a longer past period not to

exceed the previous certification period. The household and the Department will determine a representative period.

The following shall be considered as customarily purchasing food and preparing meals together even if they actually do purchase food and prepare meals separately:

(1) spouses residing together;

(2) parents and their natural, adoptive or stepchildren 21 years of age or younger with whom they are living;

**NOTES:**

(a) Ties to biological parents are severed permanently when a child is legally adopted by another person or for the duration of the guardianship designation when a child is placed under the guardianship of another person by the Court. If a child, their guardian and a biological parent reside together, only the child and guardian are mandatory members of the household.

(b) Ties to a stepparent are severed when a parent’s marriage to a stepparent is dissolved.

(c) In joint custody situations, where physical custody, including the purchase and preparation of meals is shared equally, the households may choose which household will receive SNAP benefits for the shared child(ren). The household applying for the shared child(ren) is assumed to be the household of choice unless the other household contacts the Office for Family Independence (OFI) with different information.

(3) children under 18 years of age (excluding foster children - see Section 444-3), living in a household in which another member is assuming parental responsibility; and

(4) boarders not paying an adequate amount for their meals. An adequate amount is determined by the Thrifty Food Plan (Section 999-3 Chart 5). When a boarder eats two meals or fewer per day the adequate amount is at least two-thirds of the Thrifty Food Plan.

**3. NON-HOUSEHOLD MEMBERS ARE**

A. boarders (Section 444-3) paying an adequate amount for their meals. The household can include such boarders as members of their household if they wish to do so.

B. roomers, if purchasing and preparing meals separately from the household.

C. live-in attendants.

D. disqualified members (Section 444-4).

E. other individuals who live with the household, but purchase and prepare their meals separately.

**NOTE:** These individuals are not considered when determining household size.

**4. To determine household composition**

A. identify the total number of individuals who live together.

B. determine the relationship of individuals who live together.

C. identify members who--

(1) must be a member of the household;

(2) are members of the household by choice; or

(3) are not members of the household.

D. Include as household members those who must be household members and those who choose to be.

E. Once the household is established, identify members who are ineligible or disqualified (Section 444-4).

**NOTE:** These individuals' income and assets receive special treatment. They are not eligible for benefits (Section 444-4).

F. If separate household status is claimed, the claimant shall be responsible for proving that they are a separate household as defined in Section 999-1 and detailed in Paragraphs 2 and 3 above.

**5. HEAD OF HOUSEHOLD**

That responsible adult household member selected by all adult members of the household.

The household may designate their head of household each time the household is certified for participation in SNAP, but may not change the designation during the certification period unless there is a change in the composition of the household.

**EXCEPTION:** In situations where there are no children in the SNAP household, for purposes of failure to comply with work requirements, the head of household is the principal wage earner (that household member, including ineligible and disqualified members, who is the greatest source of earned income in the two months prior to the month in which the violation occurred).

**GENERAL RULE** - Only U.S. citizens and certain aliens are eligible for benefits. The presence of an ineligible alien or individual with unverified status does not prohibit the remaining members of a household from being certified.

REPORTING ILLEGAL ALIENS

If the Department has verifiable knowledge that an alien applicant or household member is in the United States illegally, this must be reported to the Immigration and Naturalization Service. Verifiable knowledge would mean that the deportation notice has been seen.

Field staff are to report to Central Office any information concerning verifiable knowledge of an illegal alien. Central Office is responsible for reporting such situations to INS.

**Note: Alien status must be verified.**

RESOLVING QUESTIONS ABOUT CITIZENSHIP STATUS -

For the purpose of citizenship, the U.S. is defined as:

The fifty states and District of Columbia, Puerto Rico, Guam, Virgin Islands, and the Northern Mariana Islands. In addition, nationals from American Samoa or Swain's Islands are regarded as U.S. citizens.

Children born outside the U.S. are considered citizens if both parents are citizens.

North American Indians who are not U.S. citizens, who enter the U.S. from Canada, must provide verification of Indian status and Canadian citizen status. Verify each family member’s status.

As a condition of eligibility, an adult representative of each household shall certify in writing, under penalty of perjury that all members of the household are either citizens or are aliens eligible to receive Food Supplement benefits.

If the household cannot obtain the necessary forms of verification and the household can provide a reasonable explanation as to why verification is not available, the state agency must accept, under penalty of perjury, from a third party indicating a reasonable basis for personal knowledge that the member in question is a U.S. Citizen or Non-Citizen National (persons, and their offspring, born on American Samoan or Swain’s Islands). The signed statement must contain a warning of the penalties for helping someone commit fraud. This attestation does *not* apply to alien status.

Absent verification or third party attestation of U. S. citizenship or non-citizen national status, the member whose status is not determined is ineligible to participate until the issue is resolved. The remaining members of the household may still be eligible.

**Citizenship Status and Program Eligibility**

Non-citizens who are in the United States temporarily, including visitors, tourists, diplomats, students and undocumented immigrants are not eligible for Food Supplement benefits.

**STATE-FUNDED PROGRAM FOR SOME LEGAL NON-CITIZENS\*\*\*:**

**PLEASE NOTE: \*\*\*the “State-funding” column of the table within refers back to this section.**

For purposes of this section, the following definitions apply:

**1. Non-Citizen: Note:** There are many terms that describe non-citizens. However, no one term describes all of those who may be eligible for the Food Supplement Program (FSP). Accordingly, this rule uses the term “non-citizen” throughout to describe any individual present in the United States who is not a U.S. citizen, and is a qualified alien (as per USDA Non-Citizen Eligibility Guidance – see definition below) who either does or does not meet the criteria for Federally-funded FSP (i.e. has or has not been in the U.S. for 5 years). In addition to qualified aliens, the term non-citizen will include asylum seekers (including their children under 18 years old, if any). Specifically, see table below.

**2. Non-Citizens: Who Qualifies for FSP?**

**For purposes of the Federally-funded and State-funded FSP:**

1. **Qualified Alien** (as per USDA Non-Citizen Eligibility Guidance) “is a non-citizen who has one of the following immigration statuses:

* Lawfully Admitted for Permanent Residence
* Asylees
* Parolees
* Deportation Withheld
* Conditional Entrants
* Cuban or Haitian Entrants
* Battered Non-Citizens
* Refugees
* Trafficking Victims
* Iraqi and Afghan Special Immigrants”

**Please see table, below, for further verification information.**

**For the State-funded FSP only:**

a) **Asylum Seeker (AS) (defined as per U.S. Citizenship and Immigration Services,**

**USCIS):** A non-citizen who has arrived in the United States seeking protection because they have suffered persecution or fear that they will suffer persecution due to:

* Race
* Religion
* Nationality
* Membership in a particular social group
* Political opinion

The AS will file a form I 589, “Application for Asylum and for Withholding of Removal” with the appropriate USCIS center.

**Verification**: The AS will receive an I 797 receipt and approval notice from USCIS to confirm receipt of the asylum application. The AS will also receive a notice for an interview.

**3. Exceptions**

**An applicant who is a qualified alien or AS who meets the financial eligibility factors but is not eligible for federally-funded FSP may be eligible for the state-funded FSP if he or she meets one of the following criteria:**

1. **Elderly (E):** as defined under the laws governing Supplemental Security income in 42 U.S.C., Section 1382C.
2. **Disabled (D):** as defined under the laws governing Supplemental Security income in 42 U.S.C., Section 1382C.
3. **Victims of Domestic Violence (DV):** families in which abuse is currently being perpetrated or those who are dealing with the effects of victimization by domestic violence. This includes:

* Physical acts/threats of physical injury
* Sexual abuse of a child or caretaker of a child
* Psychological effects of the abuse

The individual must provide reasonable and verifiable written evidence of the abuse including but not limited to:

* Immigration (including USCIS form I 797, notice of action, and I 918, for victims of qualifying criminal activity), court, medical, law enforcement, child protective, social services, psychological or other records that establish that the individual has been a victim of domestic violence
* Sworn statements from persons other than the individual with knowledge of the circumstances affecting the individual
* Acceptance of referral to participate in a domestic violence program

1. **Hardship (H):** individuals who are subject to a waiting period to obtain proper work documentation may be eligible for benefits under this exception until they receive those documents. The individual must provide verification of the pending application and its status.
2. **Limited Hardship (LH):** individuals who were subject to a waiting period to obtain proper work documentation may be eligible for benefits after receiving work documents if they are unemployed.

* The household is required to report any changes in their eligibility status within 10 days of the change. Regarding employment status, the unemployed individual is required to report within 10 days of being hired.
* Individuals are not eligible under this exception if they are employed.
* Two-Parent Limited Hardship Households: when one parent is employed only the parent that is unemployed since receiving work documentation and their child(ren) under the age of 18 will be included on the FS grant (if otherwise eligible). The parent that is employed may be a disqualified member in accordance with FS 444-4.

**4. State-funded FSP will terminate upon the following:**

The household closes due to eligibility factors such as income or assets; the household qualifies for Federally-funded benefits; or an exception under section 3 no longer applies.

Legal non-citizens who are qualified aliens who do not otherwise meet the criteria for Federally-funded FSP or asylum seekers (including their children under 18 years old, if any) will only be eligible for state- funded Food Supplement assistance if they are: (1) elderly (E), (2) disabled (D), (3) victims of domestic violence (DV), (4) experiencing a hardship (H), or (5) experiencing a Limited Hardship (LH) **AND** if they otherwise meet eligibility criteria as defined in FS 111-1 through FS 999-1. Individuals who were receiving FS assistance and those who had a pending application as of January 1, 2012, are “grandfathered” under this rule, and their benefits will not be affected by this rule, as long as the eligibility criteria continue to be met.

There will be households that include both aliens and citizens. One example of this is households which include parents who are not citizens and their children who were born in this country and are therefore citizens. In such cases, different funding sources may pay for benefits received by different parts of the household.

**NOTE**: Verification of noncitizen status is not required for expedited service. (See FS 222-2).

The following chart indicates the funding source for Food Supplement (FS) benefits for noncitizens.

All individuals in groups indicated by \* (military status) can receive Federally funded benefits if they meet all other criteria except citizenship and are a veteran, on active duty in the Armed Forces of the United States or the spouse or unmarried dependent of an individual who is a veteran or involved in active duty in the Armed Forces of the United States. Further clarification may be found in the rule following the chart on page 5, below.

**Effective October 1, 2003, all children who are qualified aliens and who have not turned 18 years old are eligible for Federal Food Supplement Program regardless of when they came to the United States. Once a child turns 18 years old, the child may continue to receive Federal Food Supplement benefits if he or she meets another eligibility criterion.**

|  |  |  |  |
| --- | --- | --- | --- |
| **Non-Citizen** | **Federal Funding** | **State Funding \*\*\*** See FS 111-2 pgs 2-5 | **Comments** |
| Refugees admitted under Sec. 207 of INA | No waiting period or other additional condition to be eligible for Food Supplement is required | N/A |  |
| Asylees admitted under Sec. 208 of INA | No waiting period or other additional condition to be eligible for Food Supplement is required | N/A |  |
| Deportees whose deportation is withheld under Sec. 243(h) or 241(b)(3) of INA | No waiting period or other additional condition to be eligible for Food Supplement is required | N/A |  |
| Cuban and Haitian entrants defined in Sec. 501(e) of the *Refugee Education Assistance Act of 1980* | No waiting period or other additional condition to be eligible for Food Supplement is required | N/A | Verification codes:  I-94: Stamp showing admission as a Cuban/  Haitian entrant Indication  of admission as parolee under Sec. 212 of the INA |
| Amerasian immigrants admitted pursuant to  Sec. 584 of the *Foreign Operations, Export Financing and Related Program Appropriation Act*, 1988 and 1989 as amended | No waiting period or other additional condition to be eligible for Food Supplement is required | N/A | Verification codes:  I-94: AM1, AM2, AM3,  I-551: AM6, AM7, AM8  Vietnamese Exit Visa  US Passport stamped by INS with the code AM1, AM2, or AM3 |

|  |  |  |  |
| --- | --- | --- | --- |
| **Alien Status** | **Federal Funding** | **State Funding** | **Comments** |
| Battered spouse, battered child, or parent or child of a battered person with a petition pending under 204(1)(A) or (B), or 244(a)(3) of INA | 1. Military status \* 2. Under 18 years of age and lawfully in U.S. on 8/22/96 (eligible until the 18th birthday) or; 3. Receiving payments   or assistance for blindness or disability or;   1. 65 years of age or older and lawfully in U.S. on 8/22/96; 2. Indefinite if lived in the U.S. for a period of 5 years from the date of entry or; 3. 40 qualifying quarters | \*\*\*   * E * D * DV * H * LH | State-Funded:  Confirm status in SAVE.  E: DOB in SAVE to confirm age 65.  D: Verification of SSI or MRT decision that confirms disability by SSI rules.  DV: Documented as defined as per pages 2a -2b of this section  H: Client will provide I-797 to confirm receipt of application/pending status for work or a copy of the asylum interview notice . |
| Iraqi Special Immigrants eligible under Public Law 110‑161 and 110-181, Section 1244.  Expires September 30, 2012. | No waiting period or other additional condition to be eligible for Food Supplement is required | N/A | Admitted with special immigrant visa under INA Section 101(a)(27) as Lawful Permanent Residents or may adjust to this special immigrant status. |
| Afghani Special Immigrants eligible under Public Law 110‑161.  Due to expire September 30, 2009. | No waiting period or other additional condition to be eligible for Food Supplement is required | N/A | Admitted with special immigrant visa under INA Section 101(a)(27) with same eligibility status as Section 207 refugees except for eight-month time limit. |

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| **Alien Status** | **Federal Funding** | **State Funding** | **Comments** |
| Individuals lawfully admitted for permanent residence | 1. Military status\* or; 2. 40 qualifying quarters or; 3. Receiving payments or assistance for blindness or disability or; 4. 65 years of age or older and lawfully residing in U.S. on August 22, 1996 or; 5. Under 18 years of age and lawfully residing in U.S. on August 22, 1996 or; 6. Indefinite if lived in the U.S. for a period of 5 years from the date of entry. | \*\*\*   * E * D * DV * H * LH | Includes individuals having and INS I-94 with unexpired temporary I-551 stamp or annotation with stamp showing grant of asylum under sec. 230(a)(7), 207,208, parolee as “Cuban/Haitian Entrant” under 212(d)(5) or admission for at least one year under sec. 212(d)(5)  **State-Funded: see criteria below.** |
| Individuals paroled into the United States under Sec. 212(d)(5) of INA for at least one year | 1. Military status\* or; 2. Receiving payments or assistance for blindness or disability or; 3. 40 qualifying quarters or; 4. 65 years of age or older and lawfully residing in U.S. on August 22, 1996 or; 5. Under 18 years of age and lawfully residing in U.S. on August 22, 1996 or; 6. Indefinite if lived in the U.S. for a period of 5 years from the date of entry. | \*\*\*   * E * D * DV * H * LH | State-Funded:  Confirm status in SAVE.  E: DOB in SAVE to confirm age 65.  D: Verification of SSI or MRT decision that confirms disability by SSI rules.  DV: Documented as defined as per pages 2a -2b of this section  H: Client will provide  I-797 to confirm receipt of application/pending status for work or a copy of the asylum interview notice . |

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| **Alien Status** | **Federal Funding** | **State Funding** | **Comments** |
| Individuals granted conditional entrance pursuant to Sec. 230(a)(7) of INA as in effect prior to April 1, 1980 | 1. Military status\*   or;   1. Receiving payments or assistance for blindness or disability or; 2. 40 qualifying quarters or; 3. 65 years of age or older and lawfully residing in U.S. on August 22, 1996 or; 4. Under 18 years of age and lawfully residing in U.S. on August 22, 1996 or: 5. Indefinite if lived in the U.S. for a period of 5 years from the date of entry. | \*\*\*   * E * D * DV * H * LH | State-Funded:  Confirm status in SAVE.  E: DOB in SAVE to confirm age 65.  D: Verification of SSI or MRT decision that confirms disability by SSI rules.  DV: Documented as defined as per pages 2a -2b of this section  H: Client will provide  I-797 to confirm receipt of application/pending status for work or a copy of the asylum interview notice . |
| American Indians born in Canada to whom provisions of sect. 289 of IWA (8 U.S.C. 1359) apply and members of an Indian tribe as defined in sect. 4(e) of the *Indian Self-determination and Education Assistance Act* (25 U.S.C. 450(e)) | No waiting period or other additional condition to be eligible for Food Supplement is required | N/A |  |

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| **Alien Status** | **Federal Funding** | **State Funding** | **Comment** |
| Individuals acquiring permanent resident status who were admitted to the United States under Sec. 245A of the *Immigration Reform and Control Act* aka Amnesty aliens | ● Not eligible unless granted a qualified status and have lived in the U.S. for a period of 5 years with a qualified status or  ● Receiving payments or assistance for blindness or disability. | \*\*\*   * E * D * DV * H * LH | State-Funded:  Confirm status in SAVE.  E: DOB in SAVE to confirm age 65.  D: Verification of SSI or MRT decision that confirms disability by SSI rules.  DV: Documented as defined as per pages 2a -2b of this section  H: Client will provide  I-797 to confirm receipt of application/pending status for work or a copy of the asylum interview notice . |
| Hmong and Highland Laotians (including the spouse, unmarried dependent children of such individuals or unremarried surviving spouse of such deceased individuals) who are lawfully residing in the U.S. and were a member of a tribe at the time that tribe aided U.S. personnel during the Vietnam conflict. | No waiting period or other additional condition to be eligible for Food Supplement is required | N/A |  |

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| **Alien Status** | **Federal Funding** | **State Funding** | **Comment** |
| Victims of severe forms of trafficking including spouses, minor children, parents and siblings. | No waiting period or other additional condition to be eligible for Food Supplement is required | N/A | T visas.  If older than 18, must be certified by the office of Refugee Resettlement. May be verified through the HHS trafficking victims verification toll -free number 1-866-401-5510. |

**In Addition:**

Immigrants determined to be PRUCOLS (Permanently Residing in the U.S. under Color of Law), but who do not have qualified status under the *Immigration and Nationality Act* (INA) will nonetheless be eligible for State Funded Food Supplement benefits if they otherwise meet the applicable criteria. As defined in FS 111-2 pgs. 2-5, as of January 1, 2012 new PRUCOL applicants will no longer be eligible for State-funded Food Supplement benefits.

A “veteran” for the purposes of this Section is an individual who served on active duty for a minimum of 24 months (or for the period for which the person was called to active duty) and who was honorably discharged not on account of alienage or who died during active duty service as defined in Sec. 1101 and 1301 of Title 38, USC. Certain Filipino veterans described in Title 107, 38 USC are included in this definition.

The spouse of a deceased veteran or individual on active duty is eligible if he or she is the unremarried surviving spouse of the veteran or person on active duty who is deceased if the marriage period was at least one year or for any time period if a child was born of the marriage or was born before the marriage.

Veteran status is verified as follows:

Veterans who were honorably discharged for reasons other than alienage have a VU Military Discharge Certificate (DD Form 214) that shows Character of Service as “Honorable” and does not show, in the Narrative Reason for Discharge entry that the discharge was based on alien status, lack of US citizenship or other “alienage” reason.

Active duty personnel (other than active duty for training) are verified by green service identity card (Form DD-2) or, rarely by a red service identity card and copy of current orders showing active duty (not active duty for training purposes only).

The distinction between Federal and State eligibility is important only for funding purposes.

**Aliens admitted for permanent residence** who have military status as defined above or who have at least 40 qualifying quarters of coverage under Title II of the *Social Security Act* or who can be credited with such qualifying quarters may be eligible for Federally funded Food Supplement benefits. Beginning on January 1, 1997, any quarter in which the individual or the individual’s spouse or parent receives TANF or SSI will not be considered in the 40 quarters count. Beginning July, 1998, any quarter in which the individual or the individual’s spouse or parent received Food Supplement benefits will not be considered in the 40 quarters count. Individuals admitted for permanent residence who do not have military status or meet the qualifying quarters and who are eligible for Food Supplement benefits except for citizenship status may receive benefits funded by the State.

**PROCEDURES REGARDING 40 QUALIFYING QUARTERS**

Implementing this requirement will be challenging for the individual immigrants, eligibility workers, and the Social Security Administration (SSA) which is the primary source of quarters of coverage information. While some immigrants will already have 40 quarters clearly established in their Social Security records, others may have been employed in jobs covered by Social Security, but earnings may not have been appropriately reported. Many immigrants, particularly migrant workers, may have difficulty obtaining verification of employment, and SSA will have to work with them to establish quarters.

SSA has developed an automated system to provide State agencies, on an overnight basis, with information on quarters of coverage.

These procedures authorize certification pending verification (CPV) for certain immigrants. Provided an immigrant, alone or in combination with his parents and/or spouse, has spent sufficient time in this country to have acquired 40 quarters of coverage, the individual’s attestation to 40 quarters is sufficient. The individual need only state that he or she, alone or in combination with his or her parents and/or spouse, has met the work requirement. No further documentation of earnings is required at application.

If SSA’s existing records do not verify that an individual claiming 40 quarters in fact has them and the individual believes SSA’s records are not correct, SSA will work with the individual to determine whether additional quarters can be established. Individuals in this situation should be advised of this option and that they will be allowed to participate for 6 months provided SSA certifies that it is working to clarify their records. The individual will be required to provide a document from SSA indicating that the number of quarters is under review. SSA is developing a document to meet this requirement.

If SSA cannot establish additional earnings and the individual does not have 40 qualifying quarters, the State agency shall establish an inadvertent household error claim for the over issuance, unless it determines that the individual knowingly provided false information.

A quarter of coverage is any calendar quarter (beginning January 1, April 1, July 1, or October 1) in which an individual has been paid a specified amount of wages or for which he/she has been credited with

a specific amount of self-employment income. Prior to 1978, any quarter in which an individual was paid (or deemed to be paid) $50 or more in wages for employment covered by the *Social Security Act* as amended by PL 95-216 is a quarter of coverage. The amount of earnings required for each quarter of coverage after 1978 can be found at <https://www.ssa.gov/oact/cola/QC.html>.

An individual can also receive a copy of the Quarters of Coverage Chart by writing to:

OFFICE FOR FAMILY INDEPENDENCE

11 State House Station, 109 Capitol Street

Augusta, Maine 04333-0011

A “qualifying quarter” does not literally mean a 3-month period. For example, in 1996 an applicant can receive up to 4 quarters of credit by earning $2,560 or more at any time during the year.

An individual cannot earn more than 4 quarters of coverage per year. However, they can be credited with the quarters earned by a spouse or parent, as mentioned above. For example, if an individual earns an annual amount equal to 5 quarters in a year they will only be credited with 4 quarters of coverage. If his/her spouse works 4 quarters that year, the spouse’s benefits can be counted toward the individual’s quarters of coverage, giving the individual 8 quarters of coverage.

If an individual earns the annual amount in one quarter it covers all 4 quarters. However, the individual is not credited with the quarters of coverage until they enter the quarter. For example, if an individual earns the annual amount in January, they will earn 4 quarters of coverage, however, they will not be credited for the 2nd quarter until April 1, the 3rd quarter until July 1, or the 4th quarter until October 1.

**CERTIFICATION PENDING VERIFICATION PROCEDURES FOR LEGAL IMMIGRANTS IN HOUSEHOLDS WHICH QUALIFY FOR EXPEDITED SERVICE (see FS 222-2)**

The following procedures are for legal immigrants who believe that they have a work history that meets the 40 quarters exemption in the law and who are in households which qualify for expedited service. These procedures need not be followed for those legal immigrants who qualify for other exemptions in the law (refugees, asylees, deportees, or applicants with a claim to eligibility based on military service).

To determine eligibility based on social security coverage, the State agency should ascertain the applicant’s understanding as to the following:

1. How many years has the applicant, the applicant’s spouse, or the applicant’s parents (before the applicant turned 18) lived in this country.

The number of years reported for the applicant, spouse, and parent(s) should be totaled at this point. If the total is less than 10, the applicant does not meet the 40 quarters requirement and the State agency does not have to go on to question 2.

2. In how many of the years reported in answer to question 1 did the applicant, the applicant’s spouse, or the applicant’s parent earn money through work.

If the answer to question 2 is 10 years or more, the State agency shall verify, from INS documents, the date of entry into the country of the applicant, spouse and/or parent. If the person was working in a job covered by Social Security, the quarters can be counted even if he/she was not living in this country. According to current guidance from SSA, quarters worked in another country cannot be counted. If the date is consistent with having 10 or more years of work, no further documentation is required at this time. The State agency shall include the immigrant in the household pending verification from SSA. The State agency shall inform these immigrants that a claim will be established for any benefits to which they were not entitled. The State agency shall keep a record of each individual certified pending verification from SSA.

If the dates of entry are inconsistent with having 10 or more years of work, the State agency shall determine the individual ineligible. The State agency shall then inform the applicant of his or her fair hearing rights.

The applicant shall also provide, for purposes of future verification, the full name, Social Security number, date of birth, and sex of each individual (self, parent or spouse) whose work history is relevant to the determination of eligibility. In addition, the applicant shall provide a release form signed by each such individual giving SSA permission to release information on that individual to the State agency and/or the applicant. This form shall be retained in the case file to document the individual’s consent.

An adult in the household must sign the Declaration of Citizenship or Lawful Alien Status form. If the status of a household member is questionable, the individual may be asked to provide a birth certificate, religious document or similar proof of birth, voter’s registration card, US passport or certificate of naturalization provided by the INS, Tribal records, or letter from the Canadian Department of Indian Affairs.

The individual must be provided a reasonable opportunity to submit acceptable documentation of alien status prior to the 30th day following the date of application. A reasonable opportunity is at least 10 days from the date that the documentation was requested. An individual who has been given a reasonable opportunity to submit documentation and has not done so as of the 30th day following the date of application cannot be allowed to participate until documentation is submitted. If the documentation is requested on the 20th day following the date of application or later, the household must be issued benefits no later than the 30th day after application provided all other conditions of eligibility are met.

* + - 1. **GENERAL RULE**

A household must be living in the State. Verification of identity and residence is required. Persons in the State solely for vacation, i.e., who intend to return to their home in another state within 30 days, shall not be considered residents. Residing in a permanent dwelling or having a mailing address is not required. Persons in correctional facilities must be in a state or county correctional facility within Maine, and intend to remain in Maine indefinitely upon release.

**NOTE:** When applying the “residence” rule, understand that the individual must be able to be considered a resident, for SNAP purposes, somewhere in the United States. If one or more other states refuse to consider the individual a resident of such state because the individual was or is present in Maine, consider the individual to be a resident of Maine.

**EXCEPTIONS:**

A. EXPEDITED SERVICE - Postpone verification of residence if it would delay processing.

B. INDIVIDUALS EXPERIENCING HOMELESSNESS - Do not require verification of residence.

**2.** **Use of designated address**

When an applicant or recipient verifies that they are a certified participant in the Address Confidentiality Program, Department staff will accept the designated address as a program participant’s address when creating a SNAP record, unless Maine’s Secretary of State has determined that─

A. The Department has a bona fide statutory or administrative requirement for the use of the program participant’s address or mailing address, such that it is unable to fulfill its statutory duties and obligations without the residential address; and

B. The program participant’s address or mailing address will be used only for those statutory and administrative purposes. These purposes may include situations involving caseload distribution, work registration requirements, and Quality Control reviews.

**3.** **PROCEDURE**

A. Responsibilities of the Household--

(1) Verify Maine residence and identity with rent and mortgage receipts, utility bills, tax receipts, driver's license, etc.

(2) If no documents are available, provide the name and address of at least one collateral contact.

B. Responsibilities of the Department--

(1) Evaluate verification.

(2) Request additional information when verification is questionable.

(3) Document the case file.

**GENERAL RULE** - Each household member must furnish a Social Security Number or provide proof of application for one before certification. If a member has more than one Social Security Number, all numbers must be provided.

If the household is unable to provide proof of application for a Social Security number (SSN) for a newborn, the household must provide the SSN or proof of application at its next recertification or within 6 months following the month the baby is born, whichever is later. If the household is unable to provide a SSN or proof of application for SSN at its next recertification within 6 months following the baby's birth, good cause shall be determined.

**Responsibility**

**FAILURE TO COMPLY:** The household shall be advised that refusal or failure to provide a Social Security Number will result in disqualification of the non-complying member, unless good cause exists. See FS 444-4 for disqualification procedures.

**GOOD CAUSE:** Good cause exists if a "good faith" effort is being made by the household to fulfill its responsibility and cooperate with the Social Security Office and the agency. Individuals with good cause for failure to comply shall be allowed to participate for an additional month. A good cause determination must be made each month thereafter.

**ENDING DISQUALIFICATION FOR FAILURE TO COMPLY**: A disqualified individual may become eligible by providing a Social Security Number or proof of application.

**VERIFICATION OF SOCIAL SECURITY NUMBER**:

Social Security Numbers shall be verified through computer cross matching with SSA.

**GENERAL RULE** - **WORK REGISTRATION**

Within 30 days of any application and once every twelve months after being found eligible, each household member not exempt pursuant to subsections 1 through 10, below, must register and maintain an active Maine JobLink account with the Maine Department of Labor and must comply with the provisions of the Responsibilities of Registrants section, below. Registration may be completed online, and may be prepared by someone acting on behalf of, and with consent of, the mandatory registrant.

**EXEMPT MEMBERS**

An individual is not required to, but may voluntarily, participate, when the household member is:

1. under sixteen, or sixty or over.

2. age sixteen or seventeen and not the principal wage earner, regardless of student status.

3. a student, regardless of age, who is enrolled at least half time in any recognized school, training program, or institution of higher education.

4. working an average of thirty or more hours per week or, if working fewer hours, earning an average of the weekly equivalent of thirty hours at the federal hourly minimum wage.

5. subject to, and complying with, a TANF work requirement.

6. receiving or applying for unemployment benefits.

7. caring for a dependent child under age 6.

**NOTE**: “Dependent Child” is a child who resides with a parent or stepparent or, in the absence of residing with a parent, a child who resides with an adult who is assuming parental responsibility for the child (see FS 111-1).

8. caring for an incapacitated person who cannot provide his or her own care. The incapacitated person need not live with the Food Supplement household.

9. physically or mentally unable to work thirty or more hours per week. When this is not apparent, or there is contradictory information, a doctor's statement or proof of disability benefits shall be required.

10. a regular participant in a substance abuse treatment and rehabilitation program.

**RESPONSIBILITIES OF REGISTRANTS**

Work registrants must:

1. when required by these or applicable federal rules, participate in an employment/training program.

2. comply with the work participation requirements of other means-tested public assistance programs, such as TANF/ASPIRE and General Assistance, if the participant is a member of the other program(s) in addition to FS.

3. respond to requests from the Department, the Maine JobLink, and/or a prospective employer about employment status or availability for work.

4. when referred by the Department or its designee, report for suitable employment.

5. accept a bona fide offer of suitable employment.

A job is not suitable for purposes of this section and section 3, above, if:

a. it pays less than the Maine minimum wage.

b. it is dangerous to health or safety.

c. daily commuting time of more than two hours is required, or the distance is unreasonable, considering the wage, commuting time and costs, or lack of transportation.

d. the registrant is physically or mentally unable to do the job.

e. the registrant is required to join or quit a union.

f. there is a strike or lock-out at the work site.

g. it interferes with religious doctrine.

h. when the job is offered within thirty days of the initial registration, it is outside the registrant's major field of experience. A registrant is required to accept an otherwise suitable job when offered after the first thirty days.

**DISQUALIFICATION PROVISIONS**

When a household member does not comply with a registration requirement and cannot show good cause, that **member** shall be disqualified.

**Start Date of Disqualification** - The start date shall be the first of the month after normal procedures for closing or removal of the individual have taken place. Should a fair hearing delay the implementation, the period shall start the first of the month following the decision upholding the agency.

**Disqualification Penalties and Ending Disqualification** - Unless the member who was in violation becomes exempt for a reason other than TANF or PaS or UIB status, the disqualification period shall continue until the disqualified member complies with all registration requirements **and** serves a penalty period of at least one month for the first violation, three months for the second violation, and six months for the third violation which occurred 8/22/96 or later.

**NOTE:** If the person who caused the disqualification joins another household, the penalty follows him.

**SPECIAL RULES - TANF AND UIB** - When a member who was exempt because of registration in TANF or UIB fails to comply with a work participation requirement, the household shall be treated as though that member violated the FS work requirements.

**EXCEPTION**: A purely procedural requirement, such as the submitting a monthly report form, shall not be considered a failure to meet work participation requirements.

When the work registrant has failed to comply with the work registration, employment and training, or voluntary quit requirements, a determination of whether or not good cause existed shall be made. All facts and circumstances shall be considered, including information submitted by the household member and the employer.

Good cause shall include circumstances beyond the member's control, such as, but not limited to illness, illness of another household member requiring the presence of the member, a household emergency, the unavailability of transportation or the lack of adequate child care for children between six and twelve years of age.

**GENERAL RULE** - EMPLOYMENT AND TRAINING

Mandatory work registrants must accept referral to the appropriate Food Supplement Employment and Training Program (FSET) or FSET contracted agency. (Eff. 10/1/14)

**RESPONSIBILITIES OF REGISTRANT** - Those persons referred must comply with requirements set forth in the Food Supplement Employment and Training Plan detailed in Chapter 609, FSET rules. Persons with substantial barriers to participation may be excused from participation by FSET or the FSET contracted agency.

**RESPONSIBILITIES OF FSET OR FSET CONTRACTED AGENCY** - Each registrant who is referred shall be advised of the participation requirements, what constitutes noncompliance, and the consequences of noncompliance.

When FSET or FSET contracted agency determines that a mandatory registrant has failed, without cause, to comply, the OFI shall be notified. Appropriate disqualification action shall be started within ten working days after receiving the notice of noncompliance.

In the event of a fair hearing, a FSET or FSET contracted agency representative, as well as an OFI representative, shall represent the Department.

**DISQUALIFICATION PROVISIONS** - Same as for violation of any work requirement.

**GOOD CAUSE PROVISIONS** - Same as for any work requirement.

**1. DISQUALIFICATION PROVISIONS**

**A. Disqualifying Action**

When any of the following individuals has voluntarily and without good cause quit a job of 20 hours or more per week or that provided weekly earnings at least equivalent to the state or federal minimum wage (whichever is higher) multiplied by 20 hours or voluntarily and without good cause reduced their work effort (and, after the reduction, are working less than 30 hours a week), that individual is not qualified to receive SNAP:

(1) A household member not exempt from work registration (See Section 111-5);

(2) A household member who is only exempt from work registration (See Section 111-5) based on being subject to and complying with a TANF work requirement; or

(3) A household member who is only exempt from work registration (See Section 111-5) based on working an average of thirty or more hours per week or, if working fewer than 30 hours is earning an average of the weekly equivalent of thirty hours at the federal hourly minimum wage.

For applicant households, the job quit and voluntary reduction in work effort disqualification applies only if the violation occurred within 60 days prior to the application date.

**B. Start Date of Disqualification**

For applicant households, the start date is the day of the job quit or voluntary reduction in work effort. For households receiving SNAP benefits, the start date is the first of the month after normal procedures for closing or removal of the individual have taken place. Should a fair hearing delay the implementation, the period starts the first of the month following a decision upholding the Department’s decision.

**C. Disqualification Penalties and Ending Disqualification**

Unless the member who was in violation becomes exempt for a reason other than TANF or PaS or UIB status, the disqualification period continues until the disqualified member gets a new job with comparable salary or hours or, if disqualified for voluntary reduction in work effort, resumes working or gets a new job with at least 30 hours a week. The person is also disqualified for a period not less than one month for the first violation, three months for the second violation, and six months for the third violation which occurred 8/22/96 or later.

**D. Good Cause**

Good cause for leaving employment includes the good cause provisions found in Section 111-5 and resigning from a job that does not meet the suitability criteria specified in Section 111‑5. Good cause shall also include, but not be limited to:

(1) Discrimination by an employer based on age, race, sex, color, disabling condition, religious beliefs, national origin or political beliefs.

(2) Work demands or conditions that render continued employment unreasonable. An example would be not being paid on schedule.

(3) Acceptance of employment or enrollment of at least half time in a recognized school, training program, or institution of higher learning that requires the head of household to leave employment.

(4) Acceptance by any other household member of employment or enrollment in a recognized school, training program, or in another area which requires the household to move and thereby requires the head of household to leave employment.

(5) Resignations which are recognized by the employer as retirement.

(6) Employment which becomes unsuitable as specified in Section 111-5.

(7) Acceptance of a bona fide offer of employment of more than 20 hours a week (or the equivalent of 20 hours times the state or federal minimum wage, whichever is higher) and the job either doesn't materialize or ends up less than the 20 hours a week criteria.

(8) Leaving a job in connection with patterns of employment where workers frequently move from one employer to another. A couple of examples are migrant farm laborers and construction workers.

A government employee who is dismissed because of participating in a strike is considered to have quit without good cause.

**2. ENDING DISQUALIFICATION**

A. The disqualification ends the day the disqualified member becomes exempt from work registration requirements for a reason other than being a TANF or unemployment compensation work registrant.

B. If the disqualified household member gets a new job with salary or hours greater than or equal to those of the job they quit or, if disqualified for voluntary reduction in work effort, resumes working at least 30 hours a week, that member’s disqualification ends the later of the date that they resumed work or—

(1) the date that is one month after the date the individual became ineligible, for the first work requirement violation;

(2) the date that is three months after the date the individual became ineligible, for the second work requirements violation; or

(3) the date that is six months after the date the individual became ineligible, for the third or subsequent work requirements violation.

1. **GENERAL RULE**
2. An Able-Bodied Adult Without Dependents (ABAWD) is an individual who is—
3. at least 18 years of age, and
4. in a SNAP household with no members under the age of eighteen (18).
5. An individual is no longer an ABAWD—
6. As of September 1, 2023, beginning the month they turn fifty-two (52) years of age.
7. As of October 1, 2023, beginning the month they turn fifty-four (54) years of age.
8. As of October 1, 2024, beginning the month they turn fifty-six (56) years of age
9. As of October 1, 2030, beginning the month they turn fifty (50) years of age.

**2. WORK REQUIREMENTS**

A. An ABAWD is not eligible for SNAP benefits if, during a “fixed” 36‑month period, the ABAWD received SNAP benefits for three countable months or more and was not at the same time:

(1) working in paid employment of at least 20 hours per week (averaged monthly); or

(2) participating in and complying with the requirements of a work program under the *Workforce Investment Opportunity Act* (WIOA) or a work program under the *Trade Adjustment Assistance Act* (TRA) for at least 20 hours per week (averaged monthly); or

(3) participating in and complying with the requirements of an employment training program operated or supervised by the State or political sub-division of the State, other than a job search program or a job search training program, for at least 20 hours per week (averaged monthly); or

(4) participating in and complying with the requirements of a workfare program or volunteer community service for a monthly maximum of the value of the household benefit divided by state or federal minimum wage, whichever is higher. Hourly requirements of a workfare program or volunteer community service are determined by dividing the SNAP household benefit allotment by the state or federal minimum wage, whichever is higher. Pursuant to Section 20(c) of the *Social Security Act*, no member will be required to work in any workfare or volunteer position to the extent that such work exceeds in value the allotment to which the household is otherwise entitled or that such work, when added to any other hours worked during such week by such member for compensation (in cash or in kind) in any other capacity, exceeds thirty hours a week.

B. The fixed 36-month time period will begin October 1, 2020 and end September 30, 2023. Subsequent time periods will follow using the same beginning and ending months, so the next fixed 36-month time period would start October 1, 2023 and end September 30, 2026.

C. A countable month (referred to in Sub-paragraph A above) is a month during which an individual receives SNAP benefits for the full benefit month while not an exempt member.

D. The work hours must be verified. In addition, ABAWDs must report when hours fall below 20 hours per week (averaged monthly), (except those working in a program described in Sub-paragraph A(4). above). If self-employed, the ABAWD must be employed for 20 hours or more per week and receive weekly earnings at least equal to state or federal minimum wage, whichever is higher, multiplied by 20 hours.

**3. GOOD CAUSE**

If an individual would have worked an average of 20 hours per week but missed some work for good cause, the individual is considered to have met the work requirement if the absence from work is temporary and the individual retains their job. Good cause includes circumstances beyond the individual's control, such as, but not limited to, illness, illness of another household member requiring the presence of the member, a household emergency, or the unavailability of transportation.

**4. EXEMPT MEMBERS**

The individual is exempt from the work requirements in Paragraph 2 above if the individual is one or more of the following:

A. exempt from work requirements listed at FS 111-5;

B. Physically or mentally unfit for employment;

**NOTE:** If not evident, medical certification is required. In lieu of a doctor’s statement, statements from nurses, nurse practitioners, social workers or medical personnel may be sufficient.

C. Receiving temporary or permanent disability benefits issued by governmental or private resources;

D. pregnant;

E. subject to and complying with a TANF or unemployment compensation system work requirement;

F. a student, regardless of age, who is enrolled at least half time in any recognized school, training program, or institution of higher education;

G. caring for an incapacitated person who cannot provide their own care;

H. regularly participating in a substance use disorder treatment program meeting the requirements of Title XIX of the *Public Health Service Act* (42 U.S.C. 300x *et seq.*);

I. a resident of a Maine geographic area (city, town, plantation, unorganized territory, township or reservation) listed in FS 999-2; or is

J. In the period from September 1, 2023 through September 30, 2030:

(i) experiencing homelessness;

(ii) a veteran; or

(iii) aged twenty-four (24) or younger and was in Foster Care up to the point that they would not be considered age eligible for Foster Care by the state that made the placement.

**5. SUBSEQUENT ELIGIBILITY**

An ABAWD who is denied eligibility under this provision can regain eligibility if, during a 30-day period, the ABAWD:

A. works 80 or more hours;

**NOTE**: If self-employed, the ABAWD must be employed for 80 hours or more and must receive earnings at least equal to state or federal minimum wage, whichever is higher, multiplied by 80 hours.

B. participates in and complies with the requirements of a work program under the *Job Training Partnership Act* (JTPA) or a work program under the *Trade Adjustment Assistance Act* (TRA) for at least 80 hours;

C. participates in and complies with the requirements of an employment training program operated or supervised by the State or political sub-division of the State, other than a job search program or a job search training program, for at least 80 hours, or participates in and complies with the requirements of a workfare program or volunteer community service for a monthly maximum of the value of the household benefit divided by state or federal minimum wage, whichever is higher.

Hourly requirements of a workfare program or volunteer community service are determined by dividing the SNAP household benefit allotment by state or federal minimum wage, whichever is higher. Pursuant to Section 20(c) of the *Social Security Act*, no member will be required to work in any workfare or volunteer position to the extent that such work exceeds in value the SNAP allotment to which the household is otherwise entitled or that such work, when added to any other hours worked during such week by such member for compensation (in cash or in kind) in any other capacity, exceeds thirty hours a week.

As an example, if the SNAP household benefit is $150 per month, and the relevant minimum wage is $7.50 per hour, the hourly requirements would not exceed 20 hours per month.

An ABAWD who regains eligibility remains eligible as long as they work 20 hours per week or participates in a work training program, workfare, or volunteer community service subject to the requirements above.

**6. ADDITIONAL THREE-MONTH PERIOD OF ELIGIBILITY**

An individual ABAWD who regains eligibility for Food Supplement benefits subject to the requirements above and then loses his or her job, work training program, workfare, or volunteer community service position remains eligible to receive Food Supplement benefits, if otherwise eligible, for an additional period of three consecutive countable months without working or being in work training program, workfare program, or volunteer community service.

Any additional three-month extension period of eligibility begins on the date the individual first notifies the state that they have lost their job; work training program, workfare, or volunteer community service position.

This additional three-month period of eligibility is available to an ABAWD only once in any 36-month period. However, there is no limit on the number of times an individual may regain and maintain eligibility by fulfilling the work requirement.

As with initial allotments, a prorated month does not count as a countable month.

Repealed December 2021

**1. GENERAL RULE**

All households have the right to file an application for SNAP benefits. Households are encouraged to file the application the same day they express an interest in applying. SNAP benefits will be calculated from the date of application (Section 999-1).

**2. REQUESTS**

A. To start the application process, the requesting household must file an application, and at minimum:

(1) Provide the applicant's name and address; and

**NOTE:** The address need not be a specific street address; i.e., an individual experiencing homelessness may simply list a town or region of the state.

(2) sign the application.

B. TANF applicants are given the opportunity to apply for SNAP benefits at the same time they apply for TANF.

C. SSI applicants/recipients, including those residing in public institutions (Section 999-1), are allowed to apply for SNAP through the Social Security Office. The Social Security Office shall forward all completed SNAP applications to the Department for eligibility determination. The Department shall screen applications for completeness, verification, and expedited service. A second interview by the Department is not required.

D. Maine residents in a state or county correctional facility within Maine are allowed to apply for SNAP within 30 days prior to their anticipated release date.

**3.** **DUPLICATE PARTICIPATION**

Individuals cannot be included as members in more than one SNAP household in the same month. This restriction also applies to individuals moving from one state to another.

Dual participation in SNAP and the Food Distribution Program on Indian Reservations (FDPIR) is prohibited. (See Section 999-1, page 3 for additional information.)

**EXCEPTION:** Individuals who reside in shelters for battered persons (Section 444-6).

**4.** **APPLICATION STEPS**

1. The Department shall provide applications to individuals who request them the same day they are requested.
2. The Department shall assist in completion of applications upon request.
3. The Department shall interview a responsible member of the household or an authorized representative as detailed in Section 222-4.
4. The Household must verify information as detailed in Section 222-5.
5. The Department shall process necessary documents to authorize receipt of SNAP benefits.

**NOTE:** The household may, at any time, voluntarily withdraw the application. The Department shall document in the case record that the household wanted to withdraw and, if appropriate, the reason for withdrawal.

F. To determine eligibility, the application form and applicable supplements must be completed and signed. If the household refuses to cooperate in any of the steps above, the application is 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 they will not take actions they can take and that are required to complete the application process;

G. The Department shall determine the household to be ineligible if they refuse to cooperate in any subsequent review of their eligibility.

Once denied or terminated for refusal to cooperate, the household is not eligible until they cooperate.

**1. GENERAL RULE**

The following households, including residents of centers for the treatment of Substance Use Disorders and residents of group living arrangements, are entitled to expedited services:

A. households with gross monthly income less than $150.00, and with liquid assets of $100.00 or less;

B. households whose combined monthly gross income and liquid resources are less than the household's monthly rent/mortgage and the appropriate standard utility allowance;

C. households of migrant farmworkers who meet the definition of "destitute."

"Destitute" means that the household's only income for the month of application was received prior to the date of application and the income was from a source which has been terminated; or the household's only income for the month of application is from a new source of income of more than $25.00 will not be received by the 10th day after the date of application.

Migrant farmworker households who meet this definition of "destitute" shall have their eligibility and benefit level calculated for the month of application by considering only income which is received between the first of the month and the date of application.

**2. LIMITS FOR EXPEDITED SERVICE**

A. Prior to issuance of any benefits, the applicant's identity shall be verified through available documents or a collateral contact.

B. If all necessary additional verification has been provided, SNAP benefits shall be authorized the day the application was filed.

**NOTE:** For a household which is otherwise eligible for expedited service but was denied or terminated for refusal to cooperate with a Quality Control reviewer, see Section 222-5.

C. If not all necessary additional verification has been provided by the next work day, the Department shall postpone verification and authorize benefits before the close of business.

The required verifications must be provided before the Department may authorize another month's allotment.

**NOTE:** Expedited service does not apply to a renewal form received before the end of a household's current certification period. However, a renewal form received after the household's certification period ends is entitled to expedited service if otherwise eligible for such service.

1. Applicant - The person in whose name the application is made and in whose name the FS coupons will be mailed.

2. Authorized Representative - A responsible non-household member, designated by the head of the household, or another responsible adult member of the household, to act on behalf of the participating household.

**NOTE:** With the exception of residents of drug and alcohol treatment centers, an authorized representative must be designated in writing by a responsible household member.

An authorized representative must be aware of relevant household circumstances.

WHO CANNOT BE AN AUTHORIZED REPRESENTATIVE

1. State employees involved in the certification and/or issuance process;

2. retailers who are authorized to accept FS coupons;

3. individuals disqualified for an intentional program violation during their disqualification period, unless no one else is available.

**1. General Rule**

The person interviewed may be any responsible household member or an authorized representative.

**2. For Application and Annual Eligibility Review**

Households must have telephone interviews prior to certification, except for the following circumstances:

A. The Department shall process all applications and annual eligibility reviews without an interview until March 31, 2023 unless —

(1) the household requests an interview,

(2) there is unclear information on the application or renewal form, or

(3) the household would be determined to be ineligible based on information provided on the application or renewal form.

B. Households are not required to have face-to-face interviews with Office for Family Independence (OFI) staff for applications or annual eligibility reviews.

C. Households will be scheduled for face-to-face interviews at (OFI) regional offices or available itinerant sites, if requested by the household or their authorized representative.

D. Households which have no earned income and in which all adult members are elderly and/or have disabilities are not required to complete an interview at annual eligibility review unless —

(1) there is unclear information on the renewal form, or

(2) the household would be determined to be ineligible based on information provided on the renewal form.

The Department shall conduct an interview if the household requests one.

**3. Scheduling and Noticing**

A. All interviews must be scheduled as promptly as possible to ensure that eligible households receive benefits within the appropriate time limits for processing.

B. In the case of applications received from residents of correctional facilities (Section 222-1), a telephone interview may be completed prior to release at the request of the applicant. Absent a request from the applicant, the Department may not schedule an interview date prior to the anticipated release date.

C. If the household fails to complete the first scheduled interview, the Department shall notify the household in writing that they are responsible for re-scheduling the interview. If the household

contacts the Office for Family Independence (OFI) within the 30 day application period, the Department shall schedule a second interview. If, after 30 days from the date of application (Section 999-1), the household has failed to complete an interview, the Department shall deny the application.

D. During the interview, the Department shall advise the household of their rights and responsibilities and the consequences of failure to comply with program requirements. The Department shall provide written notice of rights and responsibilities and the consequences for failure to comply with program requirements at each determination whether or not an interview has been conducted.

**4. During the Certification Period**

Recipients cannot be *required* to come into the office for a face-to-face interview during a certification period; however, the Department may request an interview in instances of information that is contradictory to information known to or received by the Department. The Department shall give the household ten days to respond to the request to clarify the contradictory information. Failure to resolve the contradiction results in closure procedures for failure to resolve the contradiction, **not** for failure to complete the interview.

**1. GENERAL RULE**

Certain financial and non-financial information must be verified to ensure accuracy.

**EXCEPTION:** Categorically Eligible Households (Section 444-8).

**2. MANDATORY ITEMS**

Any of the following items that are reported by the household, must be verified:

1. Alien Status (Section 111-2),
2. Identity (Section 111-3),
3. Maine Residency (Section 111-3),
4. Social Security Number (Section 111-4),
5. Current Earned and Unearned Income or lack thereof (Section 555-2 and 555-3),
6. Utility Expenses if the household is not eligible for a Standard Utility Allowance (Section 555-5),
7. Deductible Medical Expenses (Section 555-5),
8. Deductible Legally Obligated Child Support Payments (Section 555-5),

I. Dependent Care Expenses (Section 555-5), and

J. Meeting the definition of "Individuals with Disabilities" (Section 999-1).

**3. OPTIONAL ITEMS**

Information that is contradictory to information known to or received by the Department and may affect eligibility or benefit levels, including separate household status (Section 111-1 (2)(D)) and the proration of lottery winnings (Section 444-12).

**4. SOURCE OF VERIFICATION**

A. Documentary evidence is used as the primary source of verification for all items except residency and household size. Some examples of documentary evidence are wage stubs, rent receipts, and utility bills. Acceptable verification is not limited to any single type of document.

B. Whenever documentary evidence is insufficient to make a firm determination of eligibility or benefit level, or cannot be obtained, a collateral contact may be required. Generally, the Department shall rely on the household to provide the name of any collateral contact. The household may ask for help in designating a collateral contact.

When the collateral contact, designated by the household, cannot provide an accurate third party verification, the Department shall do one of the following:

(1) designate another collateral contact;

(2) ask the household to designate another collateral contact; or

(3) ask the household to provide an alternative form of verification.

**NOTE:** The Department is responsible for obtaining verification from acceptable contacts. A collateral contact is an oral confirmation of a household's circumstances by a person outside the household. The contact may be made by the Department either in person or by telephone. The Department shall not require written statements by collateral contacts as a condition of eligibility. Some examples of acceptable collateral contacts include employers, lessors, social service agencies, and neighbors who can be expected to provide accurate third-party verification.

Prior to making any collateral contact, the Department shall inform the household of the proposed contact, what information is required, and why the contact is needed.

Households must be provided a clear notice of their right to withdraw their application if they do not want the Department to pursue a collateral contact designated by the Department.

**5. DOCUMENTATION**

The Department shall document evidence to support decisions of eligibility and/or benefit levels, the reasons for questioning non-mandatory items, the need to make collateral contacts, and the reasons for not accepting an applicant’s designated collateral contact.

**6. RESPONSIBILITY FOR PROVIDING VERIFICATION**

The household has the primary responsibility for providing verification to support statements made on the application. The Department shall assist the household in obtaining this verification. The household is not required to present verification in person. The Department shall accept any reasonable proof provided by the household and shall be primarily concerned with how adequately the verification proves the statement on the application form. When all other sources of income verification are unavailable, the amount to be used must be based upon the best available information.

**7. VERIFICATION AT OTHER TIMES**

The same verification procedures that are used for initial application are used in all subsequent eligibility and benefit level decisions. The verification requirements at annual eligibility review are detailed in Section 666-9(5). The verification requirements for changes during the certification period are detailed in Section 666-6.

**8. REFUSAL OR FAILURE TO PROVIDE VERIFICATION**

The Department will deny or close an application or case when verification is not provided due to refusal or failure to provide verification. For a determination of refusal to be made, the household must be able to cooperate, but clearly demonstrate that they will not take actions that they can take and that are required to complete the certification process. For example, to be denied for refusal to cooperate, a household must refuse to be interviewed, not merely fail to complete it. If there is any question as to whether the household has merely failed to cooperate the household must not be denied or closed based on refusal.

1. If the household refuses or fails to provide verification, the Department shall deny the application, unless there is good cause (Section 999-1).
2. If the household is receiving benefits and refuses or fails to provide verification, the Department shall close the case, unless there is good cause (Section 999-1).

C. The household is not ineligible based upon a person outside the household failing to cooperate with a request for verification. Individuals considered disqualified (see list at Section 444-4) and authorized representatives (Section 222-3) are not considered as a person outside the household.

D. If a household refuses to cooperate with a Quality Control reviewer, the household shall be denied or terminated for refusal to cooperate. The household is not eligible until they cooperate with the Quality Control review or they reapply after the time limits described below. This ineligibility applies to all households, including those eligible for expedited service.

(1) If a household, which has been terminated for refusal to cooperate with a State Quality Control reviewer, reapplies after 125 days beyond the annual review period for that Quality Control sample month, they may be found eligible, but each eligibility factor must be verified, regardless of whether or not the information is contradictory to information known to or received by the Department.

(2) If such a household reapplies after 125 days from the end of the annual review period for that Quality Control sample month, and the household is eligible for expedited service, the household shall be provided benefits based on the expedited service processing requirements, including the provision that only identity must be verified. However, before the household may receive an issuance not processed under expedited service requirements, the household must provide verification of all eligibility requirements.

(3) Verification of all eligibility requirements refers to any household circumstance that could affect eligibility. Required verification is not limited to those items required at the time of initial application or at annual eligibility review. Items such as household composition, citizenship or eligibility for a standard utility allowance that would normally only be verified unless contradictory to information known to or received by the Department, must be verified in these cases.

(4) If a household which has been terminated for refusal to cooperate with a Federal Quality Control reviewer reapplies after 9 months beyond the annual review period for that Quality Control sample month, it may be found eligible but each eligibility factor must be verified.

**NOTE:** The annual review period refers to the federal Quality Control review period and runs from October 1 through September 30.

E. Where verification is incomplete, the Department shall provide the household with a written statement of required verification and an offer to assist in obtaining it. The Department shall allow the household at least ten days from the date of the initial request for the particular verification to provide the missing verification.

F. When information from another source contradicts statements made by the household, the Department shall give the household at least 10 days to resolve the discrepancy.

G. When the household fails to provide verification required to establish a deductible expense or income exclusion, the Department shall determine eligibility without the deduction or exclusion. The Department shall not deny or terminate benefits for failure to provide such verification.

**1. OPPORTUNITY TO PARTICIPATE**

An opportunity to participate includes the authorization of benefits and access to those benefits through an EBT card.

The Department shall give eligible households that complete the initial application process an opportunity to participate as soon as possible but no later than 30 calendar days following the date of application (Section 999-1). In instances where a card must be ordered for the household, authorization any later than the 27th day from the date of application, will not provide the household an opportunity to participate within the 30 day standard.

**NOTE:** The Department will mail a decision or card to the designated address of a participant in the Address Confidentiality Program (ACP) within the same timeframe consistent with this section. The administrators of the ACP will then forward the mail to the ACP participant. Therefore, the ACP participant might experience delays in receiving decisions and cards.

**2. DENYING THE APPLICATION**

The Department shall send households that are determined to be ineligible a notice of denial as soon as possible but not later than 30 days following the date of application. If the household fails to complete a scheduled interview and makes no effort to reschedule the interview or pursue the application, the Department shall send a notice of denial on the 30th day following the date of application.

In cases where the interview was conducted and all necessary verification was requested on the date of application, the Department shall send a notice of denial no sooner than the tenth day or later than the 30th day if the household was provided assistance as outlined in Section 222-5, but failed to provide the requested verification.

**3. DELAYS IN PROCESSING**

If the Department does not determine eligibility and provide an opportunity to participate within 30 days following the date of application, the cause of the delay is determined using the following criteria:

A. A delay is considered the fault of the household if they have failed to complete the application process and the Department has taken all of the required actions to assist the household. The following actions must have been taken by the Department before a delay can be considered the fault of the household:

* + - * 1. For failure to complete the application, the Department must have offered or attempted to offer assistance in its completion.
        2. For failure to comply with work registration requirements, the Department must have informed the household of the need to register members and the household must have been given at least ten days from the date of such notification to register these members.
        3. Where verification is incomplete, the Department must have offered assistance as outlined in Section 222-5 and the household must have been allowed sufficient time to provide the missing information (at least ten days from the date of the initial request for the particular verification).
        4. For failure to complete an interview, the Department must have attempted to reschedule the initial interview within 30 days following the application date by sending a notification of missed interview (NOMI) to the household informing the household it missed the interview appointment and that it is the household’s responsibility to contact the Department to reschedule the interview.

**NOTE:** If the household failed to complete the first scheduled interview and a subsequent interview is postponed at the household's request or the household cannot otherwise be rescheduled until after the 20th day but before the 30th day, the household must complete the interview, bring verification, and register members for work/training by the 30th day. Otherwise, the delay is the fault of the household. If the household failed to complete the first scheduled interview and a subsequent interview is postponed at the household's request until after the 30th day the delay is the fault of the household. If the household missed both scheduled interviews and requests another interview any delay is the fault of the household.

B. Delays that are the fault of the Department include, but are not limited to, those cases where the Department failed to take the actions described in Subparagraph A, above.

1. Actions to be taken on processing delays--
2. Delays beyond the 30th day--

If, by the 30th day, further action cannot be taken on the application due to the fault of the household, eligibility for benefits for the month of application is lost. The Department shall send the household a notice of denial which advises them that if the required action is taken within 60 days following the application date a new application is not necessary. If the household is found eligible, benefits will be authorized from the date the household takes the required action.

Whenever a delay in the initial 30 day period is the fault of the Department, it shall take action immediately to correct the situation. It shall notify the household by the 30th day that their application is being held pending. The Department shall notify the household of any action they must take to complete the application process. If the household is found to be eligible during the second 30 day period, eligibility must be determined back as far as the date of application.

1. Delays beyond the 60th day--

If the Department 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 Department shall continue to process the original application until an eligibility determination is reached. If the

household is determined eligible, and the Department was at fault for the delay in the first 30 day period, eligibility must be determined back as far as the date of application.

If, the initial delay was the household's fault, eligibility must be determined back as far as the date the household took the required action. The original application may be used to determine the household's eligibility in the months following the 60 day period.

If the Department 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 make an eligibility determination, the Department shall continue to process the original application.

If the household is at fault for not completing the application process by the end of the second 30 day period, the Department shall deny the application and the household is required to file a new application if they wish to participate. The household is not entitled to any lost benefits even if the delay in the initial 30 day period was the fault of the Department.

**EXCEPTION:** Expedited services (Section 222-2).

**4. DELAYS CAUSED BY THE DEPARTMENT**

When a delay is the fault of the Department, the Department shall--

A. not deny the application until--

sufficient information is received to render a decision, or

the household fails to comply with a requirement;

and

B. take prompt action to process the application;

C. determine eligibility back to the date of application; and

D. if the household is eligible, authorize benefits back to the date of application or the date the household takes the required action per the standards established in (3)(C) above.

**5. DELAYS CAUSED BY THE HOUSEHOLD**

A. When a delay is the fault of the household, the Department shall deny the application.

B. If the household takes the required action within 60 days of the date of application, a new application is not necessary. The Department shall determine eligibility and if the household is eligible authorize benefits back to the date the household takes the required action.

After processing an application, the Department shall—

1. send a Notice of Decision; and

2. determine eligibility back to the date of application (Section 999-1) or the date the household takes the required action per the standards established in Section 222-6(3)(C).

A. If the household is eligible—

(1) The Department shall authorize benefits.

(2) The certification period is established per Sections 666-5 or 666-8.

B. If the household is ineligible, the Department shall send a notice explaining the reason(s) for denial.

**NOTE:** The annual eligibility review process is covered in Section 666-9.

**1. GENERAL RULE**

All assets of all household members, and disqualified individuals are counted with the exceptions found in Section 333-2. The value of assets, except for licensed vehicles, is the equity value (fair market value less encumbrances).

**NOTE:** Fair market value is the price a property would bring on the open market, assuming an informed buyer will buy, but is not compelled to buy; and an informed seller will sell, but is not compelled to sell. “Fair market value” of real property may be established by either the testimony of competent real estate appraisers or town tax appraisal at 100% valuation rate, at the Department’s option.

**2. MAXIMUM COUNTABLE ASSETS ALLOWED**

A. Households that qualify as Categorically Eligible Households (Section 444-8) have no asset limit.

B. Households that do not qualify as Categorically Eligible Households and have no members age sixty or over nor a member with disabilities (according to the definition of ”Individuals with Disabilities” (Section 999-1) provided in these Rules) have a countable asset limit found in Section 999-3 Chart 9. These households with countable assets exceeding this limit are not eligible for federally funded SNAP.

C. Households that do not qualify as Categorically Eligible Households but have a member age sixty or over or a member with disabilities (according to the definition of “Individuals with Disabilities” (Section 999-1)) have a countable asset limit found in Section 999-3 Chart 9. These households with countable assets exceeding this limit are not eligible for federally funded SNAP.

D. Households that do not qualify as Categorically Eligible Households and would be eligible for federally funded SNAP except that their countable assets exceed the limit are eligible for state funded SNAP.

**3. TREATMENT OF Jointly Owned Assets**

A. Assets held jointly between persons residing in shelters for battered persons and the individual from whom they are fleeing are not counted if agreement by that individual is required to access its value. (See Section 444-6).

B. For jointly owned vehicles, see Section 333-3 page 1.

C. Otherwise, if the household demonstrates that they have access to only a portion of the asset, that portion is counted toward the household's assets.

Joint bank accounts are assumed to be owned by the household unless they present convincing evidence that a non-household member has contributed all, or part, of the money. That portion proved to have been contributed by a non-household member is not counted.

**4. Examples of Assets**

**A. Liquid Assets**

Cash, crypto currency, checking, savings, Christmas Club accounts, stocks, bonds, credit union shares. Non-recurring lump sum payments, Certificates of Deposits (C.D.s), etc.

**B. Non-Liquid Assets**

Personal property, licensed and unlicensed vehicles including recreational vehicles (boats, snowmobiles, etc.), buildings and land, recreational property, and non-fungible assets.

**1. GENERAL RULE**

The value of the following assets are not counted. (These assets are considered “excluded”).

A. the home in which the household lives and the surrounding lot, if not separated by property owned by someone else,

B. the home and lot which is temporarily unoccupied because of employment, job training, illness, or disaster if the household intends to return,

C. the lot on which the household plans to build, or is building their primary residence if the household does not already own (or is buying) their home,

D. vehicles used as the household's home,

E. assets with cash value not accessible to the household, such as:

(1) property in probate, or property which is inaccessible due to legal action;

**EXCEPTION:** this exclusion does not apply to jointly owned vehicles if the household member has possession of, or use of, the jointly owned vehicle. (See Section 333-3.)

(2) real property which the household is making a good faith effort to sell at a reasonable price;

**NOTE:** A "good faith effort to sell" must be verified through documentation that: the property is offered for sale in a major newspaper, through a real estate broker, or other comparable venue; and the household has not declined a reasonable offer.

(3) installment contracts for the sale of property (including vehicles), if the agreement is producing income consistent with its fair market value. Fair market value and consistent income may be determined by contacting local realtors, assessors, etc. Treatment of income from installment contracts is found in Section 555-3.

(4) certain jointly held assets (Section 333-1(3)) that cannot be subdivided and the joint owner will not agree to sell;

(5) irrevocable trusts when:

(a)The agreement is not likely to cease;

(b) No household member has power to revoke or change it;

(c) The trustee is either a court, institution, etc. not under control of a household member or is an individual appointed by a court which has imposed limitations on the use of funds;

(d) Investments made on behalf of the trust do not involve or assist any business or corporation under the direction or influence of a household member; and

(e) The funds held in trust—

(i) were established by a non-household member, or

(ii) are used solely for trust investments or to pay the educational or medical expenses of beneficiaries.

F. non-liquid assets that cannot be sold or disposed of for a significant return.

The sale or disposition of a resource is not considered to provide a significant return if it is unlikely to yield $1,500 or more, after estimated costs of sale or disposition and taking into account the ownership interest of the household.

**Exceptions:**

(1) vehicles, and

(2) homes, including mobile homes, used primarily for vacation purposes.

G. household goods - such as furniture, appliances, and gift cards;

H. personal effects - such as clothing, jewelry and non-fungible assets;

I. prepaid funeral contracts, burial space, and the value of one bona fide funeral agreement per household member;

J. life insurance;

K. pension funds;

L. taxed-preferred retirement accounts, as described from the Internal Revenue Service (IRS) code, below:

(1) Section 401, Traditional Defined- Benefit Plan

(2) Section 401(a), Cash Balance Plan

(3) Section 401(a), Employee Stock Ownership Plan

(4) Section 401(a), Keogh Plan

(5) Section 401(a), Money Purchase Pension Plan

(6) Section 401(a), Profit-Sharing Plan

(7) Section 401(a) ,Simple 401(k)

(8) Section 401(a) ,401(k)

(9) Section 403(a), 403(a)

(10) Section 403(b),403(b)

(11) Section 408 IRS, Individual Retirement Arrangement (IRA)

(12) Section 408(p), Simple retirement account IRA

(13) Section 408(k), Simplified Employee Pension Plan (SEP)

(14) Section 408A IRS, Roth IRA

(15) Section 408A IRS, myRA

(16) Section 457(b), Eligible 457(b) Plan

(17) Section 501(c ), 501(c )18 Plan

(18) Section 8439 of Title 5 USC, Federal Thrift Savings Plan

M. vehicles which are totally exempt (Section 333-3);

N. income producing real property - if the property is annually producing income consistent with its fair market value, even if only used on a seasonal basis;

O. tools and equipment necessary for employment - even if the person is not currently employed, the tools and equipment need not be producing income consistent with the fair market value;

P. Property, including licensed vehicles, essential to self-employment farming for one year from the date self-employment farming was terminated.

Q. government payments - to restore a home damaged in a disaster, provided the funds are restricted to this purpose;

**NOTE:** Payments from private insurance settlements are counted.

R. assets which have been prorated as income, such as -

(1) student income from grants and loans;

(2) self-employment income;

(3) contract income;

S. livestock - used to produce income or intended for family consumption;

T. Indian lands - held jointly with the Tribe;

U. assets excluded by Federal statute including, but not limited to -

(1) payments excluded by Congressional action (examples - the Maine Indian Land Claims Settlement or The Agent Orange Settlement Fund),

(2) payments to Indian Tribal members regarding sub-marginal land held in trust by the U.S.,

(3) The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) benefits,

(4) reimbursement from Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970,

(5) payments received from The Job Training Partnership Act (JTPA),

(6) payments from LIHEAP (Section 999-1),

(7) Housing and Urban Development (HUD) retroactive tax and utility cost subsidy; and

(8) Achieving a Better Life Experience (ABLE) accounts, established under Sec. 529A of the Internal Revenue Code of 1986.

V. The assets of any household member who receives Supplemental Security Income (SSI) or Temporary Assistance for Needy Families (TANF) or Parents as Scholars (PaS);

W. A federal earned income tax credit received either as a lump sum or as payments under section 3507 of the Internal Revenue Code for the month of receipt and the following month for the individual and that individual's spouse;

X. Any federal, state, or local earned income tax credit received by any household member for 12 months, provided the household was participating in SNAP at the time they received the earned income tax credit and provided the household participates continuously during that 12-month period. Breaks in participation of one month or less due to administrative reasons, such as delayed recertification, shall not be considered as nonparticipation in determining the 12-month period;

Y. Matching awards of Savings Offer Success (SOS) made by Rural Opportunities, Inc. (ROI) to households that participate in their program;

**NOTE:** The individual’s contribution are counted.

Z. Funds in the Department of Housing and Urban Developments (HUD) Family Self-Sufficiency Program (FSS) escrow accounts;

AA. Family Development Accounts or Separate Identifiable Accounts set up as authorized by state law 20-A M.R.S. § 10982 of up to the $10,000 cap and any accrued interest;

BB. Federal Thrift Savings accounts as provided in Sec. 8439, Title 5, U.S.C.; and

CC. Education savings accounts established under Sec. 529 (qualified tuition program), and Sec. 530 (Coverdell education savings) of the Internal Revenue Code of 1986.

**2. TREATMENT OF EXCLUDED FUNDS**

A. Excluded funds kept in a separate account are exempt for an unlimited time.

B. Excluded funds that are deposited in an account with other funds are only exempt for six months from date they are co-mingled.

**EXCEPTION:** Earned income tax credits excluded in Section 333-2(1)(X) continue to be excluded for 12 months even if they are co-mingled with other funds.

C. Student grants, deferred loans and self-employment funds are not counted as assets for the period of time they have been prorated as income. (See Section 444-8.

**GENERAL RULE:**

The fair market value and/or equity value of all nonexempt vehicles is counted. Encumbrances are not considered in determining fair market value.

**EXCEPTIONS**:

If NADA book value does not apply (antique, custom or classic cars), a dealer appraisal will be required. If the car is not listed in the NADA Book or recipient claims the car is in less-than-average condition, recipient value may be accepted, unless questionable. If value will affect eligibility, require verification from a knowledgeable source.

Vehicles that are jointly owned by a household member and a non-household member who does not live with the household are excluded from countable resources provided that the vehicle is unavailable to the household member because the household member does not have possession of, or use of, the vehicle **and** the household member is unable to sell the vehicle because the signature of the co-owner is needed and he or she will not sign.

Inability to sell the vehicle is only one factor. If the household has use of the vehicle, it is not excluded due to joint ownership. If the household is not using the vehicle,

but has possession of the vehicle, it is not excluded due to joint ownership.

**NOTE:** The fair market value of vehicles is found in NADA Book under Average Trade-in Value (excluding optional equipment, mileage or special equipment for disabled).

**NOTE:** A household is not limited to a certain number of vehicles per household size or per the number of licensed drivers. Each vehicle is to be evaluated separately.

**VEHICLES WILL BE EVALUATED AS FOLLOWED**

|  |  |  |
| --- | --- | --- |
|  | **Fair Market Value Test**  **(Average Trade-in Value)**  **Fair Market Value**  **­- $4,650.00**  **Excess Value** | **Equity Test**  **Fair Market Value**  **­- Amount owed**  **Equity Value** |
| Producing income  Includes vehicles needed to do a particular job. Includes vehicles deemed necessary by the employer. It does not include vehicles necessary for commuting to and from employment. | DO NOT count | DO NOT count |
| Used as a home | DO NOT count | DO NOT count |
| Transporting a physically disabled household member  If disability is not evident, or if the disabled member does not receive disability payments, written proof of impairment must be produced by a physician. | DO NOT count | DO NOT count |
| Carrying heating fuel or water  When such heating fuel or water is anticipated to be the primary source of fuel and water for the household during the certification period. | DO NOT count | DO NOT count |
| Value is inaccessible  (sale would produce less than $1500) | DO NOT count | DO NOT count |
| One vehicle per household | DO NOT count | DO NOT count |
| One licensed vehicle per adult member | USE this Rule | DO NOT count |
| Commuting to employment or job training or seeking employment | USE this Rule | DO NOT count |
| Additional licensed vehicles | Count the Greater of Fair Market or Equity Value | |
| Unlicensed vehicles | DO NOT count | USE this Rule |

**EXCEPTION:** Vehicles on Indian Reservations not required to be licensed will be evaluated the same as licensed vehicles.

**GENERAL RULE** - Disqualify for up to one year households that have knowingly transferred assets for the purpose of qualifying for FS benefits.

Disqualification Applies If the Assets were Transferred

in the three-month period prior to application.

OR

any time during the certification period.

Disqualification Does Not Apply If

assets transferred would not have otherwise affected eligibility.

assets were sold or traded at or near current market value.

transfers were made between members of the same household.

OR

transfers were made for a reason other than attempting to qualify for FS, such as placing funds in an irrevocable trust fund for a child's education.

The length of the disqualification period is based on the amount the assets would have exceeded the limit if the transfer had not occurred.

**DISQUALIFICATION PERIODS**

Use the following chart to determine the disqualification period.

Amount in Excess of Disqualification

Asset Limit Period (Months)

$ 0 to $ 249.99 1

$ 250 to $ 999.99 3

$1,000 to $2,999.99 6

$3,000 to $4,999.99 9

$5,000 or more 12

**GENERAL RULE** Aliens must verify U.S. residency and have eligibility determined according to the rules in FS 111-2.

**DEFINITIONS:**

1. A sponsored alien is a person lawfully admitted for permanent residence to the U.S. for whom a person (the sponsor) has executed an affidavit of support (INS Form I-864 or I-864A) on behalf of the alien.

2. A sponsor is a person or organization signing an affidavit or document on behalf of the alien as a condition of entry.

3. Date of entry or admission is the date established by the INS as the date the alien was admitted for permanent residence.

**EXCEPTIONS TO SPONSORED ALIEN RULES:**

1. Aliens who are members of the sponsor’s Food Supplement household.

2. Aliens who are sponsored by an organization.

3. Aliens not required to have a sponsor under the *Immigration and Nationality Act*.

4. Aliens who are determined to be unable to obtain food and shelter in the absence of assistance, taking into account their own income. In these situations the state must decline to deem the sponsor’s income for a twelve (12) month period and instead take into account only that income that the sponsor actually provides.

5. A battered alien spouse, alien parent of a battered child, or a child of a battered alien for twelve (12) months after the state determines that the battering is substantially connected to the need for benefits, and the battered individual does not live with the batterer. After twelve (12) months, the state must not deem the batterer’s income and resources if the battery is recognized by a Court or the INS, has a substantial connection to the need for benefits and the alien does not live with the batterer.

6. Aliens who are children under the age of 18 regardless of when they entered the United States.

**EXCEPTIONS TO SPONSORED ALIEN RULES: (for sponsors)**

1. If a sponsor is a sponsor of an ineligible immigrant, that portion of the sponsor’s income is not deemed to the remaining household members.

2. If a sponsor’s income is below 130% of the poverty income guidelines (FS 999-3 Chart 2), he or she is exempt from the sponsored alien rules.

**GENERAL INFORMATION** - Most sponsored non-citizens will be ineligible because they are

immigrants. If they can be credited with 40 qualifying quarters of work, they are eligible and deeming

ends (see FS 111-2). Some immigrants who are veterans, or on active duty, or the spouse or child of the

veteran or person on active duty may be eligible and subject to deeming.

The income of a sponsor’s spouse does not count toward the deeming unless the

sponsor’s spouse has also signed the affidavit of support.

1. Count the spouse's income and assets even if they were not married at the time the agreement was signed. If the sponsor and spouse do not live together, only the income and assets of the sponsor are counted.

2. If a sponsor sponsors more than one alien, divide the income and assets among the number of aliens that are sponsored by the same sponsor.

3. If an alien changes sponsors after being certified for FS, use the new sponsor's income and assets to determine eligibility.

4. Do not count money paid to the alien by the sponsor as income to the alien, unless the amount exceeds the income deemed from the sponsor. Add any excess to the amount deemed.

5. If the alien has applied for TANF and has had income and assets deemed for that program, use the TANF figures.

6. Aliens and their sponsors shall be jointly and separately liable for any overpayment made to the alien during the sponsorship which is due to the sponsor’s failure to provide correct information, except when the sponsor is without fault or good cause exists.

**ENDING OF DEEMING**

Deeming of a sponsor’s income and resources is to continue until:

1. the alien gains U.S. Citizenship,

2. the alien has worked or received credit for forty (40) qualifying quarters of work, or

3. the sponsor dies.

**SPONSOR’S INCOME CALCULATION**

1. ADD: Earned income of sponsor’s and sponsor’s spouse (if the spouse signed an affidavit).

2. SUBTRACT: Earned income deduction.

3. ADD: Unearned income of sponsor and sponsor’s spouse.

4. SUBSTACT: Gross monthly income limit for family size (number of dependents who are, or could be, listed on Federal Income Tax Form).

5. DIVIDE BY: Number of alien households sponsored.

6. EQUALS: Income deemed to each family unit. Treat as unearned income.

**SPONSOR’S ASSETS CALCULATION**

1. ADD: Allowable assets of the sponsor and spouse.

2. SUBTRACT: $1500.00.

3. DIVIDE BY: Number of alien households sponsored.

4. EQUALS: Assets deemed to each family unit.

**CLAIMS**

Both the sponsor and the alien will be held liable for any over-issuances. Claims may be established against both parties, unless it can be verified that one of the parties was without fault in providing the information.

**EXEMPT ALIENS**

The following are exempt from the sponsored alien rule:

1. Aliens living in the sponsor's household;

2. aliens sponsored by an organization;

3. aliens who do not require a sponsor under the *Immigration and Nationality Act*;

4. refugee, parolee, individuals granted asylum and entrants from Cuba or Haiti;

5. aliens who were sponsored prior to February 1, 1983.

**CLAIMS**

Both the sponsor and the alien will be held liable for any over-issuances. Claims may be established against both parties, unless it can be verified that one of the parties was without fault in providing the information.

**1. SELF-EMPLOYMENT**

**A. GENERAL RULE**

(1) Self-employment income is averaged over a twelve-month period when it represents the household's largest income source anticipated for the 12-month period. This applies even when it is received in a shorter period of time.

(2) Seasonal self-employment income which is not the household’s largest income source anticipated for the 12-month period is averaged over the season.

**B. VERIFICATION**

Acceptable verification of self-employment income, expenses, and assets includes but is not limited to income tax returns, business records, and amortization schedules.

**C. DETERMINING INCOME**

(1) All gross self-employment income including the full amount of capital gains is added together. This means that a household with more than one self-employment enterprise shall have all self-employment gross income added together.

(2) All costs of producing income are added together. This means that a household with more than one self-employment enterprise shall have all self-employment costs added together.

(a) Payments on the principal of the purchase price of income producing real estate, capital assets, equipment, machinery, or other durable goods are allowed.

(b) A household deriving income from child or adult care may elect actual documented cost of meals or the current reimbursement amounts used in the Child and Adult Care Food Program (published annually in the federal register per 7 C.F.R. § 226.4(i)) as the cost of non-reimbursed meals provided to individuals.

These values can be found at <https://www.federalregister.gov/documents/search?conditions%5Bterm%5D=%22Child+and+Adult+Care+Food+Program%22+%22Payment+Rates%22&order=newest>.

Individuals may also request copies by writing to:

Rules Manager

Maine DHHS, Office for Family Independence

11 State House Station109 Capitol St.

Augusta, ME 04333-0011.

(c) For business use of the home expenses, see Paragraph D below.

(d) Expenses not allowed are:

(i) net losses from previous periods;

(ii) federal, state and local income taxes, retirement plans, and work-related personal expenses (transportation to and from work);

(iii) depreciation.

(3) The total costs of producing the income are subtracted from the total gross income of the self-employment enterprise(s) to arrive at the net earnings.

**NOTE:** The purpose of Sub Paragraphs 1 through 3 above is to arrive at the total self-employment income of the household. This process allows the loss from one self-employment enterprise to be subtracted from the gain of another self-employment enterprise within the household.

(4) The net earnings are divided by number of months over which income is averaged.

(5) Self-employment income is added to any other income received by the household.

**NOTE:** Losses from a farm enterprise are deducted from any other countable household income. This special consideration applies only to farms with annual gross sales of $1,000.00 or more.

**D. USE OF RESIDENCE FOR SELF-EMPLOYMENT**

The proportionate share of shelter costs used for self-employment purposes may be used as self-employment expenses. If the household chooses this approach—

(1) actual or Internal Revenue Service (IRS) allowed utility expenses, not the standard utility allowance, can be used as a business expense;

(2) the interest expenses and the principal of loan and mortgage payments can be used;

(3) that portion of shelter costs used as self-employment expenses cannot be used as shelter expenses. (See Section 555-5 for the effect of the self-employment expense decision on the household's allowable utility expenses.)

**E. RENTAL SELF-EMPLOYMENT INCOME**

(1) If at least one member of the household is actively engaged in the management of the property at least an average of 20 hours per week, this income is treated as earned income.

(2) If no member of the household is actively engaged in the management of the property at least an average of 20 hours per week, this income is treated as unearned income.

**(3) Income from roomers**

Income from roomers as defined in Section 999-1 is always treated as earned income regardless of the number of hours the household is actively engaged in the management of the property. If a person rents out a room in their primary residence, the cost of renting out that room may be claimed as a self-employment expense.

(a) If the roomer income is listed on Federal Tax Returns, the method used for determining those expenses on the return is the method that is used for SNAP budgeting.

(b) Otherwise, this expense is determined by multiplying the costs of operating and maintaining the residence by either:

(i) the number of rooms used exclusively by the roomers divided by the total number of rooms in the residence, or

(ii) the square footage of the space used exclusively by the roomers divided by the square footage in the residence.

That portion of household expenses counted as a cost of doing business may not be counted again as a shelter expense. (See Paragraph D(3) above.)

Excluded costs shall not exceed the payments received from the roomer.

If meals are also provided, see Section 444-3.

**2. MIGRANT FARM WORKERS**

A. All income received in the month of application prior to the application date is counted.

**NOTE:** Travel advances are included when a written contract stipulates the advance will be subtracted from wages. Other travel advances are treated as reimbursements.

B. Future income is budgeted when receipt is reasonably anticipated in the application month.

C. Income for the month of application must be verified.

**3. CONTRACT EMPLOYEES**

**A. GENERAL RULE**

Contract income is averaged over a twelve month period when it represents the household's largest income source anticipated for the 12-month period, provided it is not paid on an hourly or piecework basis. This applies even when it is received in a shorter period of time such as sometimes occurs with teachers and other school employees.

Contract income is averaged over the period the income was intended to cover when it is not the household's largest income source anticipated for the 12-month period, provided it is not paid on an hourly or piecework basis.

**B. DETERMINING ELIGIBILITY**

The averaged contractual income is added to other household income. Income exclusions and deductions shall then be applied in the usual way.

**GENERAL RULE** - Foster care individuals (both children and adults) placed in the home of relatives (including parents and siblings) or other individuals or families by a federal, state, or local governmental foster care program shall be considered boarders. These foster care boarders and all other boarders are ineligible to participate independent of the household with whom they live. Do not count income and assets of a boarder, foster children and foster adults to determine eligibility of a household, unless the household chooses to include him/her as a member.

NOTE: When the household chooses not to include the foster person, do not include foster care payments even though they go direct to the provider household.

EXCEPTION: Consider "boarders" paying less than the Thrifty Food Plan (FS 999-3 Chart 5) as household members (FS 111-1).

**DETERMINING INCOME FROM BOARDERS** - Include all direct payments to the household, including contributions for meals, room and shelter.

EXCEPTION: Do not count shelter expenses paid directly to someone outside the household as income or deductions to the household. Do not count any portion of foster care payments unless the foster children or foster adults are included as members.

**COSTS OF DOING BUSINESS FOR HOUSEHOLDS WITH BOARDERS WILL BE:**

1. actual verified cost of providing room and meals.

NOTE: Verify these expenses only if questionable.

Count income from boarders, less the cost of doing business, as earned income to the household (FS 555-2).

NOTE: If room *and* board are being provided, use both the "Income From Roomers" policy at FS 444-2 and the boarder policy described here to determine room and board cost of doing business.

**1. GENERAL RULE**

Household members disqualified for the following reasons are not included for benefits:

1. Intentional program violation (IPV) of the SNAP Program (Section 777-2)
2. Work registration noncompliance (non-head of household) (Section 111-5)
3. Job quit or voluntary reduction in work effort (Section 111-6)
4. Fleeing Felon (as defined in Section 999-1)
5. Violation of probation or parole imposed under a federal or state law (ineligible while in violation of the probation or parole condition)
6. Certain felons convicted of violent crimes and sexual assault if all of the following are true:

(1) They were convicted as an adult in any jurisdiction under federal or state law of:

(a) aggravated sexual abuse under 18 United States Code, Section 2241,

(b) murder under 18 United States Code, Section 1111,

(c) an offense under 18 United States Code, Chapter 110,

(d) a federal or state offense involving sexual assault, as defined in Section 40002(a) of the federal Violence Against Women Act of 1994, 42 United States Code, Section 13925(a), or

(e) an offense under a law of this State that is substantially similar to a federal offense described in this subsection;

(2) The conviction is for conduct that occurred after February 7, 2014; and

(3) The individual is not in compliance with the terms of their sentence, parole or probation or is a fleeing felon.

G. Alien status (Section 111-2)

H. Inability or unwillingness to provide documentation of the alien's immigration status

1. Social security number noncompliance (Section 111-4)
2. An intentional program violation of another federal, state, or local welfare assistance program requirement (Section 444-10)
3. Time limited eligibility for able-bodied adults without dependents, ABAWD status (Section 111-7)

L. Student status (Section 444-7)

**2. CALCULATION OF ASSETS, INCOME, DEDUCTIONS and FAMILY SIZE for DISQUALIFIED HOUSEHOLD MEMBERS**

A.DISQUALIFIED MEMBERS (COUNT ALL)

If a household includes a disqualified member who is ineligible due to a SNAP IPV; noncompliance with work registration; job quit or voluntary reduction in work effort; a fleeing felon; violating a condition of probation/parole; certain felons convicted of violent crimes and sexual assault; alien status (except for those aliens, disqualified because of their status, listed under “exceptions,” below); or inability or unwillingness to provide documentation of alien’s immigration status, then the disqualified member’s assets, income, deductions, as well as the family size of the remaining household are calculated as follows:

(1) Assets – 100% of the disqualified member’s assets are counted toward the asset level of the household.

(2) Income – 100% of the disqualified member’s income is counted toward the income level of household. The disqualified member is not counted as a household member when determining the standard deduction for the household. The assets and income of the sponsor and the sponsor's spouse of an ineligible sponsored alien are not counted.

(3) Deductible Expenses – The entire household’s allowable earned income, medical, dependent care, child support, and excess shelter deductions (including disqualified members), are applied to the remaining household members.

(4) Number in Household – Benefits for the household are not increased as a result of the exclusion of one or more household members because of the disqualification. Disqualified member(s) are not included in the household size for the purposes of:

(a) Assigning a benefit level to the household; or

(b) Comparing the household's monthly income with the income eligibility standards; or comparing the household's resources with the resource eligibility limits.

**(5) EXCEPTIONS:**

The income, assets, and expenses of non-citizens disqualified because of one of the following immigration statuses, are treated according to the procedure under the DISQUALIFIED MEMBER (PRORATED), Subparagraph B, below, and not according to the methodology above:

(a) Lawfully admitted for permanent residence under the INA (See Section 111-2, Page 7);

(b) Granted asylum under section 208 of the Immigration and Naturalization Act (INA) (See Section 111-2, Page 5);

(c) Admitted as a refugee under section 207 of the INA (See Section 111-2, Page 5);

(d) Paroled in accordance with section 212(d)(5) of the INA (See Section 111-2, Page 7)

(e) Those individuals whose deportation or removal has been withheld in accordance with sections 241(b)(3) or 243(h) of the INA (See Section 111-2, Page 5);

(f) Elderly, blind, or disabled in accordance with section 1614(a)(1) of the *Social Security Act* and is admitted for temporary or permanent residence under section 245A(b)(1) of the INA (See Section 111-2, Page 9); or

(g) Special agricultural worker admitted for temporary residence under section 210(a) of the INA.

B. DISQUALIFIED MEMBERS (PRORATED)

If a household includes a disqualified member who is ineligible due to social security noncompliance; an intentional program violation of another public assistance program requirement; time limited ABAWD status; or due to an alien status listed under Subparagraph A(5) above, then the disqualified member’s assets, income, deductions, as well as the family size of the remaining household are calculated as follows:

(1) Assets - 100% of the disqualified member’s assets are counted toward the asset level of the household.

(2) Income – A pro rata share of the disqualified member(s)’s income is counted as income to the remaining members according to the “CALCULATION” below. The disqualified member is not counted as a household member when determining the standard deduction for the household.

**CALCULATION**

(a) SUBTRACT: Allowable exclusions from disqualified member’s income (including the 20% disregard).

(b) DIVIDE: The remaining income by the number of household members (including disqualified member(s)).

(c) SUBTRACT: The income allocated to the disqualified member.

(d) COUNT: The remaining sum is added to eligible household’s income.

(3) Deductible Expenses – A pro rata share of the disqualified member’s deductible expenses are counted as expenses to the remaining members according to the following calculation:

**CALCULATION**

(a) ADD: All allowable child support payment, shelter and dependent care expenses which are either paid by, or billed to, the disqualified member(s)

(b) DIVIDE: By number of household members (include disqualified member(s))

(c) SUBTRACT: The deductible expenses allocated to the disqualified member(s).

(d) COUNT: The remaining sum is counted as an allowable expense for the remaining household members.

(4) Number in Household - Disqualified member(s) are not included in the household size for the purposes of:

(a) Assigning a benefit level to the household;

(b) Comparing the household's monthly income with the income eligibility standards; or

(c) Comparing the household's resources with the resource eligibility limits.

C. DISQUALIFIED MEMBERS (COUNT NONE)

If a household includes a disqualified member who is ineligible due to student status, boarders, foster care individuals, roomers, live in attendants, or any other reason not listed in Subparagraphs A or B, above, their assets, income, and expenses are not counted, except as indicated below.

(1) Income – Cash payments from the disqualified member to the remaining of the household are considered income. Vendor payments are not considered income.

When the earned income of one or more eligible household members and the earned income of a disqualified member are combined into one wage, the income of the eligible household members shall be determined as follows:

If the eligible household's share can be identified, that portion is counted as earned income.

If the eligible household's share cannot be identified, the earned income is prorated among all those whom it was intended to cover and that portion prorated to the eligible household members is counted.

**CALCULATION** – See DISQUALIFIED MEMBERS (PRORATED), Income (Subparagraph B(2), above).

(2) Deductible Expenses – If expenses cannot be separated between the disqualified member and the eligible household, then the expenses are prorated evenly among the persons actually paying or contributing to the expense(s) and only the household’s pro rata share is allowed as an expense.

**CALCULATION** – See DISQUALIFIED MEMBERS (PRORATED), Deductible Expenses (Subparagraph B(3) above).

(3) Number in Household - Disqualified member(s) are not counted in the household size for the purposes of:

(a) Assigning a benefit level to the household;

(b) Comparing the household's monthly income with the income eligibility standards; or

1. (c) Comparing the household's resources with the resource eligibility limits.

**1. EQUAL TREATMENT**

Residents of centers for the treatment of substance use disorders or group living arrangements for individuals with disabilities have the same rights to notices of adverse action, fair hearing and entitlement to lost benefits as do all other SNAP households.

**2. RESIDENTS OF CENTERS FOR THE TREATMENT OF SUBSTANCE USE DISORDERS**

**A. GENERAL RULE**

Application for residents of centers for the treatment of substance use disorders together with their spouse and children who reside at the center must be made through an authorized representative who is an employee of the center. Residents together with their spouse and children shall have their eligibility determined separately from other residents of the facility. Each application must be for an individual household. The recipient's benefits will be controlled by the center.

The center must be certified by the State of Maine Office of Behavioral Health as providing residential treatment of individuals with substance use disorders.

A center which knowingly provides false information or does not handle benefits properly may be disqualified from participation in SNAP. Repeated occurrences shall be referred to the Senior Program Manager - SNAP, for review.

**B. PROCEDURE**

(1) The Department shall verify that the center is a certified treatment program as defined under the general rule.

(2) The Department shall review the rights and reporting responsibilities of the center with the center representative, including the treatment of benefits and EBT Cards when a recipient leaves the center.

(3) The Department shall process applications by using the same provisions that apply to all other applicant households, except that certification is completed through use of the authorized representative.

(4) The Department shall contact the authorized representative for any information needed. The authorized representative must agree to sign any required forms and be interviewed with the following exceptions:

(a) The Department shall process all applications and annual eligibility reviews without an interview until March 31, 2023 unless —

(i) the household requests an interview,

(ii) there is unclear information on the application or renewal form, or

(iii) the household would be determined to be ineligible based on information provided on the application or renewal form.

(b) Households which have no earned income and in which all adult members are elderly and/or have disabilities will not be required to complete an interview at annual eligibility review unless —

(i) there is unclear information on the renewal form, or

(ii) the household would be determined to be ineligible based on information provided on the renewal form.

The Department will conduct an interview if the household requests one.

(5) Benefits shall be issued and notices shall be provided in care of the authorized representative.

(6) The Department shall use appropriate budgeting procedures. (See Section 555-6.)

**NOTE:** If the center charges for room and board, the room expense is included in the budget as a rent expense (see Section 555-5(7)(A)(1)), but the board expense is not. If the center does not provide an itemized bill, the rent included in the budget is determined by subtracting the Thrifty Food Plan (Section 999-3 Chart 5) for the household size, from the total room and board expense.

**C. WHEN A HOUSEHOLD LEAVES THE CENTER**

(1) When the household leaves the center and no benefits have been spent on their behalf, the center shall provide the household with their EBT Card and full allotment for that month, regardless of what day they leave.

If benefits have already been issued and any portion has been spent on behalf of the household, and they leave the center prior to the 16th of the month, the center shall provide the household with one-half of their monthly allotment.

If the household leaves after the 16th of the month, and the benefits have already been issued and used, the household does not receive any benefits for that month.

(2) Once the household leaves the treatment center, the center is no longer allowed to act as the household's authorized representative. The center shall return to the household’s account any benefits received on behalf of households which are no longer residents of the center.

(3) It is the household's responsibility to report their new address and other changes in their circumstances to the Office for Family Independence after leaving the center.

**3. RESIDENTS OF GROUP LIVING ARRANGEMENTS FOR INDIVIDUALS WITH DISABILITIES**

**A. GENERAL RULE**

A group living arrangement for individuals with disabilities is a public or private nonprofit facility, serving no more than 16 residents (the majority of whom are SSI recipients), that is approved by the State of Maine Department of Health and Human Services.

An individual with disabilities (as defined in Section 999-1) living in an approved group living arrangement for individuals with disabilities may be eligible for benefits. The group living arrangement for individuals with disabilities shall determine whether a resident may apply on their own behalf.

If the resident applies on their own behalf, they are responsible for reporting changes in their situation to the Office for Family Independence (OFI). If the group living arrangement is acting as authorized representative, it is responsible for reporting changes in the household's circumstances, and when the household leaves the facility.

If the facility charges for room and board, the room expense is included in the budget as a rent expense, but the board expense is not. If the facility does not provide an itemized bill, the rent included in the budget is determined by subtracting the Thrifty Food Plan (Section 999-3 Chart 5) for the household size, from the total room and board expense.

**B. WHEN A RECIPIENT LEAVES THE FACILITY**

When the household leaves the facility, regardless of the method of application or the time of the month, the facility shall provide the resident(s) with their EBT Card (if applicable), and the departing household shall receive their full allotment if no benefits have been spent on their behalf.

If the benefits have already been issued, and any portion spent on behalf of the household and the departure is prior to the 16th of the month, the facility shall provide the household with their EBT Card and one-half of their monthly allotment. If the household leaves after the 16th of the month and the benefits have already been issued and used, the household does not receive any reimbursement.

If a group of residents have been certified as one household, and one or more depart prior to the 16th of the month, the facility will notify OFI and one half the departing residents’ share of the benefit will be transferred to their new account.

**GENERAL RULE** - Residents of Shelters for Battered Persons may be eligible for benefits.

“The *Food and Nutrition Act of 2008*, as amended (“the Act”), and Supplemental Nutrition Assistance Program (SNAP) regulations allow certain flexibilities for victims of domestic violence who are fleeing their abuser. These include:

* Section 3(n)(5) of the Act: Conferring separate household status to temporary residents of shelters for battered persons;
* Section 3(k) of the Act: Allowing those residents to use their SNAP benefits to purchase food from the shelter; and

7 CFR 273.3(a): Allowing duplicate participation of an individual who is a resident of a shelter for battered persons, and was a member of a household containing the person who had abused him or her.”

* (USDA Guidance: Men Who are Residents of Shelters for Battered Women and Children, Dated December 18, 2014)

Food and Nutrition Services, “(FNS) finds that all provisions related to persons fleeing domestic violence shall be interpreted to apply to all victims of domestic violence, regardless of gender or sex.”

(USDA Guidance: Men Who are Residents of Shelters for Battered Women and Children, Dated December 18, 2014)

An eligible resident who has authorized the shelter management to act as authorized representative can use the benefits to purchase meals prepared at the shelter; the shelter management can then act as authorized representative to purchase food with the benefits.

**SPECIAL PROCEDURES**

1. Persons who have left a participating household containing the person who abused them may receive an additional allotment as a separate household once in a calendar month.

2. Certify persons at the shelter as a separate household on the basis of their income and assets only.

NOTE: Adjust the FS allotment of the former household based on reduced household size within the prescribed rules for adverse action.

3. If the shelter charges for room and board, the room expense is an allowable rent expense but the board expense is not. If the shelter does not provide an itemized bill, the allowable rent will be determined by subtracting the Thrifty Food Plan (FS 999-3 Chart 5) for the household size, from the total room and board expense.

**1. GENERAL RULE FOR POST-SECONDARY STUDENTS ONLY**

Students enrolled at least half-time in post-secondary schools, colleges, universities, etc., are treated differently from other applicants and recipients.

A. In order to be eligible, such students must meet at least one of the following conditions. The requirement that one of these conditions be met in order to be eligible continues throughout the student's enrollment, including vacations. (E.g. in order to continue to be eligible for SNAP benefits, a student who is eligible because of the work study condition must meet one of the other conditions if the work study condition is not being met during summer vacation.)

(1) be 17 years old or under or 50 years old or older;

(2) be physically or mentally unable to work twenty hours per week while attending school at least half-time. In the absence of physical evidence, disability must be verified by—

(a) verification of receipt of temporary or permanent disability benefits issued by a governmental or private source or

(b) a statement from an acceptable medical or mental health source such as:

(i) a licensed physician;

(ii) a physician’s assistant;

(iii) a nurse practitioner;

(iv) a licensed osteopath;

(v) a licensed or certified psychologist;

(vi) a person authorized to provide copies of the summaries of medical records of medical institutions; or

(vii) as the disabling condition relates specifically to their field—

a) a licensed podiatrist,

b) a qualified speech-language pathologist, or

c) a licensed optometrist;

(3) be responsible for care of a household member under six years old, or when adequate child care is not available for children between six and twelve years of age to enable the student to attend class and satisfy the 20 hour work requirement or participate in a work study program (if an individual is a full time student and a sole parent with the responsibility for a dependent

child under age 12 regardless of the availability of adequate child care, eligible student status is met).

**NOTE:** Exemption is still allowed when child care is purchased for a child under six years old;

(4) be receiving TANF/PaS;

(5) Starting January 16, 2021 and continuing through the end of any certification period that began during the COVID-19 Public Health Emergency (PHE) or within 30 days of the termination of the COVID-19 PHE, a student that has an expected family contribution of $0 as determined in accordance with 20 U.S.C. ch. 28, Subchapter IV, Part F (Helpful resources may be found by search for the relevant fiscal year EFC Formula Guide published at <https://fsapartners.ed.gov/knowledge-center>);

(6) be engaged in paid employment of 86 hours or more per month. If self-employed, be employed for 86 hours or more per month and receive monthly earnings averaging at least equal to the Federal minimum wage multiplied by 86 hours;

(7) be participating in a state or federally financed work study program;

(8) Starting January 16, 2021, a student need only be approved for federally financed work study. Participation is not required. This expanded eligibility is in effect for the duration of any certification period that began during the COVID-19 Public Health Emergency (PHE) or within 30 days of the termination of the COVID-19 PHE. This expanded eligibility, unlike the usual work study condition, will continue through scheduled school vacations;

(9) be participating in an on-the-job training program;

**NOTE:** A person is considered to be participating in an on-the-job training program only during the period of time the person is being trained by the employer (i.e., to meet this student eligibility condition, the person must continue to work; only attending classes does not meet the condition).

or

(10) be assigned to or be placed in post-secondary institution through one of the following programs:

(a) *Workforce Innovation and Opportunity Act* (WIOA),

(b) Supplemental Nutrition Assistance Employment and Training (SNAP E&T),

(c) the Trade Adjustment Assistance Program of the Department of Labor (for workers dislocated due to imports), or

(d) an employment and training program for low income households operated by a state or local government where one or more of the components of such program is at least equivalent to a SNAP E&T program component (e.g., 8 weeks per year job search; job search training and support activities; workfare; work experience; education program that directly enhances employability). Examples: Maine Department of Labor Competitive Skills Scholarship Program (CSSP) and Higher Opportunity for Pathways to Employment (HOPE).

**NOTE:** Self-initiated post-secondary institution placement during the time the person is enrolled in one of these employment and training programs is acceptable if the person’s employment and training program has a component for enrollment in an institution of higher education and that program accepts the placement.

B. Once a student enrolls in post-secondary education, they shall be considered enrolled through normal periods of attendance, vacations, and recesses until they graduate, are dismissed, drop out, or do not plan to enroll for the next normal term (summer sessions are not considered normal terms).

C. The income and assets of an ineligible student living with a household shall not be considered in determining the benefits of the remaining household members. See 444-4.

**2. TREATMENT OF STUDENT INCOME**

A. The individual must provide verification of student aid received. The Department shall not assume the individual is accepting all aid awarded.

B. Most federal financial aid is completely excluded as income, without regard for how the aid is spent. Calculation of allotments for students, begins by identifying the types of federal financial assistance the student will receive, and excluding all pertinent assistance as income.

C. Exclusion of Certain Federal Aid Monies

(1) Student financial assistance received under Title IV or under Bureau of Indian Affairs (BIA) student assistance programs, is not considered as income. Nor are loans provided under Title XIII Indian Higher Education Programs, Part E, Tribal Development Student Assistance Revolving Loan Program.

Examples include the following programs:

(a) Under Title IV:

(i) Basic Educational Opportunity Grants (BEOG or PELL Grants),

(ii) Presidential Access Scholarships (Super PELL Grants),

(iii) Federal Supplemental Educational Opportunity Grants (SEOG),

(iv) State Student Incentives Grants (SSIG; Maine State Incentive Grant),

(v) Federal Direct Student Loan Programs (FDSLP) (Formerly GSL and FFELP),

(vi) Federal Direct Supplemental Loan Program (provides loans to students),

(vii) Federal Direct PLUS Program (provides loans to parents),

(viii) Federal Direct Stafford Loan Program,

(ix) Federal Direct Unsubsidized Stafford Loan Program,

(x) Federal Consolidated Loan Program,

(xi) Federal Perkins Loan Program - Direct Loans to students in institutions of higher education,

(xii) Federal Work Study Funds,

(xiii) TRIO Grants (Go to organizations or institutions for students from disadvantaged backgrounds),

(xiv) Upward Bound (Some stipends go to students),

(xv) Student Support Services,

(xvi) Robert E. McNair Post-Baccalaureate Achievement,

(xvii) Robert C. Byrd Honors Scholarship Program,

(xviii) College Assistance Migrant Program (CAMP) for students whose families are engaged in migrant and seasonal farm work,

(xix) High School Equivalency Program (HEP), and

(xx) National Early Intervention Scholarship and Partnership Program.

(b) Under BIA

(i) The Higher Education Grant Program, sometimes called the Scholarship Grant Program,

(ii) Adult Education Program that provides money to adults to get a GED, attend technical schools, and for job training,

(iii) employment assistance program, and

(iv) education and training made available under separate programs like the Indian Child and Family Programs.

**NOTE:** Each tribe has a BIA agency that may be contacted for more information about education and training assistance. BIA student assistance is provided by the tribes, is not denoted by any particular name, and is not usually listed on institutions' financial aid statements.

(2) All grants, loans and scholarships to students made under any program administered by the U.S. Secretary of Education including, but not limited to, PELL, SEOG, Perkins, and work study are excluded. This is regardless of any portion used on actual educational costs.

(3) If a single loan, grant, or work study is funded in whole or in part (e.g. part of a student loan funded under Title IV and part under a State program) under Title IV or BIA, the total amount of that loan or grant is excluded.

D. The dependent portion of VA educational assistance is counted as income.

E. Treatment of Other Financial Aid

(1) Reimbursements for past or future expenses other than normal household expenses such as rent, mortgage, personal clothing, or food eaten at home are excluded if they are specifically earmarked for educational expenses.

**Example:** If an individual purchased a computer and was reimbursed for that purchase as an educational expense through the HOPE program, the reimbursement would not be counted as income. However, if the reimbursement comes from another agency and receipt is not linked to the computer being used for education, it would be countable income.

(2) Assistance which is earmarked for expenses, other than room and board, is excluded. That portion of an otherwise deductible expense covered by educational income which has been excluded is not deductible. (See Section 555-5 pg. 8.)

**Example:** If the HOPE program provided ongoing assistance for child care to allow an individual to complete their training or education program, the assistance would not be counted as income, nor would the portion of the child care covered by HOPE be counted as an income deduction.

(3) Other scholarships; including but not limited to, educational grants, fellowships, work study, deferred payment loans for education, and veteran's educational benefits; are considered income unless:

(a) they are awarded to a person enrolled at a recognized institution of post-secondary education, at a school for individuals with disabilities, in a vocational education program, or in a program that provides for completion of a secondary school diploma or obtaining the equivalent thereof; and

(b) they do not exceed the amount used for or made available as an allowance determined by such school, institution, program, or other grantor, for—

(i) tuition,

(ii) mandatory fees (including the rental or purchase of any equipment, materials, and supplies related to the pursuit of the course of study involved),

(iii) books,

(iv) supplies,

(v) transportation,

(vi) origination fees and insurance premiums related to loans, and

(vii) other miscellaneous personal, and dependent care of the student incidental to attending such school, institution, or program.

Expenses specified as "room and board" are not allowable offsets to student income.

Financial assistance actually expended by the student for an allowable expense, or made available for attendance costs is excluded as income and resources. The institution or grantor may indicate that the assistance is meant to be used for allowable costs of attendance. Budget sheets and the like developed by the institutions or grantors shall be used as the verification of the amount of assistance and the attendance costs for which it is intended. If the institution does not indicate attendance costs or if the amounts indicated by the institution are less than the student claims to be using, students may provide verification of actual expenses for the exclusion of these amounts. If the student claims to be incurring higher transportation costs than the amount of transportation costs indicated by the institution, actual verified costs or the standard mileage allowance may be used. The MSEA rate found at <https://www.maine.gov/osc/travel/mileage-other-info> is the amount to be used if the standard mileage allowance is claimed.

(c) A loan in which repayment must begin within 60 days after receipt of the loan is not considered a deferred payment loan.

(4) Treatment of Work-Study Income

(a) Most work-study income is fully excludable under the *Higher Education Act of 1965* (20 U.S.C. §1087uu).

(b) Treatment of work-study grants not funded by the excluded sources mentioned earlier in this section.

(i) Only that income actually realized by the student shall be considered. It may be less than the amount offered by the institution’s financial aid unit.

(ii) The realized income shall be reduced by the disregards detailed in 2 above.

(iii) The remaining amount if any, shall be reduced by the earned income deduction. (See Section 555-5.)

**NOTE**: The procedures outlined above regarding work study income also apply to other educational assistance which have a work requirement.

F. Income and expense averaging

(1) Student aid income and associated expenses are averaged over the period the educational institution indicates they are to be applied. The total figure is divided by the total number of calendar months indicated. No adjustment is made for partial months of enrollment.

(2) If the educational institution does not specify the months associated with a given income or expense they shall be attributed as follows:

(a) Amounts not attributed to a particular semester or term shall be applied to and averaged over the 9 month period from September through May.

(b) Amounts attributed to the fall semester shall be applied to and averaged over the 4 month period from September through December.

(c) Amounts attributed to the spring semester shall be applied to and averaged over the 5 month period from January through May.

(d) Amounts attributed to the summer term shall be applied to and averaged over the 3 month period from June through August.

(3) If receipt of student income cannot be reasonably anticipated in the first month indicated in (1) or (2) above, the period of application and averaging is adjusted to begin the first month receipt can reasonably be anticipated. This adjustment shortens the period and reduces the number of months over which the income is averaged. The end month is not adjusted.

**1. Receipt of SSI**

Households in which all members receive SSI will be considered categorically eligible for SNAP. Do not include as members: ineligible aliens, ineligible students or residents of nonexempt institutions.

**2. Receipt of TANF-Funded Service or Benefit**

Subject to the “EXCEPTIONS” set out in Subparagraph C, below, all households are categorically eligible for SNAP if their gross income is at or below the limit detailed in Section 999-3 Chart 4 and at least one member of the household receives a TANF funded service or benefit.

The Maine Department of Health and Human Services Resource Guide for Families (Resource Guide) is a TANF funded service distributed to applicants at or below the limit detailed in Section 999-3 Chart 4. It includes general information about employment, nutrition, housing, utilities, child care, legal and other supports in Maine.

**A. Narrow Categorical Eligibility**

All households, with gross income at or below the limit detailed in Section 999-3 Chart 4, that have a child under the age of 18, or 18 and a full time high school student, who lives with a parent or caretaker relative are eligible for the Resource Guide.

**B. Broad-Based Categorical Eligibility**

All households with gross income that is at or below the limit detailed in Section 999-3 Chart 4 that **do not include** a child under the age of 18, or 18 and a full time high school student, are eligible for the Resource Guide.

**C. EXCEPTIONS**:

The households described in Subparagraphs A and B, above, are **not** categorically eligible for SNAP if:

(1) the entire household is institutionalized in a nonexempt facility,

(2) a member of the household is presently disqualified for an Intentional Program Violation,

(3) the household fails to complete annual eligibility review requirements, or

(4) the head of household fails to comply with work requirements, including job quit (Section 111-6).

**3. Factors considered to be met for categorically eligible households**

A. The factors listed below are considered to be met for categorically eligible households.

(1) asset limits;

(2) transfer of assets;

(3) Social Security Number requirements;

(4) sponsored alien requirements; and

(5) residency and identification requirements;

(6) 130% gross and 100% net Federal Poverty Level income limits. (See Section 999-3 Charts 1 and 2.)

B. Even though these households are considered to be categorically eligible for SNAP benefits, all individuals who are not SSI or GA benefit recipients must have the following factors verified:

(1) Social Security Number requirements,

(2) sponsored alien requirements, and

(3) residency and identification requirements.

**4. Receipt of General Assistance (GA)**

Households in which all members receive General Assistance are pure GA households. Pure GA households are eligible for SNAP benefits. Ineligible aliens, ineligible students, residents of nonexempt institutions, individuals disqualified for failure to provide or apply for a social security number, household members disqualified for failure to comply with work requirements, and individuals disqualified for Intentional Program Violations are not counted as household members.

**A. EXCEPTION:**

The GA Household is not categorically eligible if:

(1) a member of the household refuses to cooperate in providing information to OFI that is necessary to determine eligibility or to complete any subsequent review of eligibility;

(2) the household is ineligible under the striker provision in Section 444-9; or

(3) the household is ineligible because they knowingly transferred assets for the purpose of qualifying or attempting to qualify for SNAP benefits.

**B. Factors considered to be met for pure GA households**

The factors listed below are considered to be met for pure GA households.

(1) assets limits;

(2) 130% gross and 100% net Federal Poverty Level income limits;

(3) sponsored alien requirements; and

(4) residency and identification requirements.

**5. Procedure**

Applicants may apply for TANF/PaS and SNAP at the same time. SSI applicants may apply for SNAP at the Social Security Office (Section 222-1) or at the Department of Health and Human Services. GA applicants can get an application at the GA office but must apply for SNAP through the Department of Health and Human Services.

If TANF or PaS/SSI/GA eligibility has not been determined, SNAP eligibility is based upon SNAP criteria. Denial of a potential categorically eligible household will be delayed for thirty days from the SNAP application date. Households denied SNAP benefits that have a pending SSI or GA application shall be notified of the possibility of categorical eligibility should they become SSI or GA recipients.

If SNAP was denied prior to the granting of TANF or PaS/SSI/GA, SNAP benefits for the initial month must be prorated from the date from which the TANF or PaS, SSI, or GA benefits are payable, or the date of the original SNAP application date, whichever is later.

**6. Minimum Benefit**

One and two member categorically eligible households shall receive at least the minimum benefit found in Section 999-3 Chart 6, regardless of the amount of net income.

Households with three or more members who are eligible for zero benefits are not denied. They are suspended. Such households are “authorized to receive benefits.”

**7. Allowance for benefits authorized but not paid**

A. Individuals are considered recipients of SSI or GA even if not receiving payments due to:

(1) benefits have been authorized but payment has not yet been received;

(2) benefits are suspended or recouped; or

(3) the benefit amount is less than minimum benefit paid.

B. Households are categorically eligible due to TANF or PaS authorization even if not receiving payments because:

(1) benefits have been authorized but payment has not yet been received;

(2) benefits are suspended or recouped;

(3) the benefit entitled to is less than minimum benefit paid; or

(4) benefits or services are authorized but not used.

**8. Ending Categorical Eligibility**

A. Categorical eligibility related to TANF or PaS continues until the benefit or service is no longer funded by TANF funds.

B. Categorically eligible households must be automatically terminated from SNAP for failure to become timely re-certified, even though they continue to receive TANF or PaS, SSI, GA or a TANF funded service or benefit.

C. Categorically eligible individuals are subject to annual eligibility review (Section 666-9), and work registration and employment/training requirements and exemption criteria (Section 111-5). Job quit penalties (Section 111-6) also apply.

**GENERAL RULE** - A household with a striking member is ineligible, unless it was eligible on the day prior to the strike. Households receiving benefits on the day prior to the strike cannot receive an increase in benefits due to the decreased income of a striking member.

Pre-strike income is determined by comparing the striker's income prior to the strike to his current income, and then adding whichever is more to the rest of the household's current income. The earnings deduction is allowable.

**NOTE:** Vehicles normally exempt from equity consideration retain the exempt status during the strike.

Striking members of eligible households are subject to work requirements. Those members who are exempt from work registration are not considered strikers.

A striker is anyone involved in a strike or concerted stoppage, slowdown, or interruption of work by employees.

Some examples of non-strikers are:

1. Employees unable to work as a result of other employees striking;

2. employees whose place of employment is closed by an employer;

3. employees who are not part of the unit on strike, but do not want to cross a picket line due to fear of injury or death.

In all cases of a strike where permanent replacements have been hired by the company, the persons whose jobs are replaced, are no longer considered strikers. They must be able to return to the **same job** they left when the strike began to be considered a strike.

**1. GENERAL RULE**

A. Disqualifications are based on the policy that was in place at the time of the infraction.

(1) As of December 30, 2021 an individual disqualified for Intentional Program Violation (IPV) of another means-tested federal, state, or local welfare public assistance program (such as but not limited to TANF, SSI, GA, FDPIR – see Section 999-1 page 3 for additional information) is not eligible for SNAP. Individuals who have only been sanctioned or disqualified from MaineCare (Medicaid) are not automatically disqualified from SNAP.

(2) Infractions committed prior to December 30, 2021 that would result in a disqualification from SNAP based on the policy in place at that time will continue to result in disqualification even if the disqualification begins after or continues beyond December 30, 2021 or the infraction was not substantiated or even discovered until after December 30, 2021.

B. In order to be disqualified from SNAP due to a disqualification from another program, the individual must be receiving SNAP at the time of the sanction.

**NOTE:** If the other program disqualifies the entire household because of one household member's IPV, only the individual who caused the IPV is disqualified from participation in SNAP.

**2. Ending the Disqualification**

The disqualification period shall continue until the program which imposed the disqualification no longer considers the individual disqualified. If an individual was disqualified for an unlimited period (e.g., “until complies”), and the household is no longer participating in that program, the disqualified individual will no longer be considered disqualified from SNAP starting the first day of the second month after benefits from the other program ceased (e.g., if the other program’s last benefit was issued in December, SNAP participation may resume February 1).

**3. Special Consideration for FDPIR**

An individual who has been disqualified from FDPIR for an IPV is not allowed to participate in SNAP until the disqualification period has expired.

**1. General Rule**

Households may contain some individuals who are eligible for federally-funded SNAP and some who are only eligible for state-funded SNAP.

**2. Attribution of Assets, Income and Expenses**

A. Income is counted for the individual in whose name it is received.

**EXCEPTION:** TANF income is prorated for all household members receiving TANF benefits.

B. Shelter expenses for the household are counted for the individual in whose name the expense is billed.

**NOTE:** If the bill is paid by another household member on a regular basis, the expenses will be attributed to the member paying the bill.

**3. Determining the state funded benefit amount**

State-funded SNAP benefits are equal to the difference between the federally-funded SNAP grant and the amount of SNAP benefits the household would have received had all members been eligible.

Lottery and gambling winnings of $5,000 or more, actually received (after any offsets to the winnings required by law) by any individual(s) in the benefit household within one calendar month;

or

Gross Lottery or gambling winnings, by any individual(s) in a single game, equal to or in excess of the figure found in FS 999-3 Chart 9 for Non-Categorical Households with an Aged or Disabled Member, shall disqualify the household from benefits until they reapply and financial eligibility guidelines set forth in Sections FS 333, 444 and 555 are met. When winnings are shared by household members and non-household members, a prorated share will be counted for the household. That share is determined by dividing the total countable winnings by the total number of winners and multiplying that figure by the number of winners who are household members.

**1. GENERAL RULE**

For purposes of determining eligibility and benefit level the income already received during the certification period and any income which can be reasonably anticipated during the remainder of the certification period is taken into account. If the amount of income anticipated or month of receipt is uncertain, that portion of the household’s income which is uncertain is not counted. For example, a household anticipating income from a new source, such as a new job or pending TANF benefits, may not be sure of the timing or amount of the first payment. Such income is not anticipated unless there is reasonable certainly concerning the month in which it will be received and what the amount will be. When the exact amount is not known, only that portion of it which can be anticipated with reasonable certainty is considered as income.

**NOTE:** For households with members who are funded by Federal and State funds, see Section 444-11.

The best estimate of income is based on the recipient’s and the Department’s reasonable expectations and knowledge of current, past and future circumstances. The best estimate of income, is based on the concepts of significant and non-significant income changes and the income averaging techniques described below. **The method of determining the best estimate of income must be clearly documented in the case record**.

**2. SIGNIFICANT INCOME CHANGES**

A. Significant income changes are defined as changes in sources of income or in amounts greater than $125 per month which are:

(1) expected to continue into the future; or

(2) short term, but will continue long enough to affect at least one allotment.

B. Some examples of significant income changes include starting a job, gaining a new source of unearned income, losing a job or unearned income, changes in the rate of return on investments that are expected to persist, permanent or long term changes in hours worked and/or rate of pay, permanent full-time employment, beginning to work piece-work or overtime, promotion, changing employers, short term plant closings or periods of absence without compensation, and other similar changes.

C. The Department shall use information about past significant changes of a continuous nature in estimating future income. For example, if an individual received an increase in the hourly wage in the recent past, the wages received prior to the pay raise are not used in determining the best estimate of future income. An average of the hours worked per week multiplied by the new hourly wage must be used in determining the estimate.

**3. NON-SIGNIFICANT INCOME CHANGES**

A. Non-significant income changes are defined as temporary, very short term variations in the earned or unearned income amount caused by a situation which is not of an ongoing nature or which is of a variable nature.

B. Some examples are changes in the rate of return on investments that are not expected to persist, previously anticipated fluctuations in wages, occasional changes in wages due to unpredictable overtime, unpaid absences, or occasional illness.

C. When non-significant income changes occur during the certification period, they often do not impact eligibility or benefits.

D. Unless the income is averaged, it is counted as income only in the month it is received. Whenever a full month's income is anticipated but is to be received on a weekly or biweekly basis, it is converted to a monthly amount by multiplying weekly amounts by 4.3 and biweekly amounts by 2.15. When less than a full month's income is anticipated, the actual amount of anticipated monthly income is used.

E. With the exception of migrant farm worker households which are destitute, households may elect to have income averaged. Households which, by contract or self-employment derive their annual income in a period of time shorter than a year have that income determined in accordance with Section 444-2.

F. Households receiving scholarships, deferred loans, or other educational grants have such income averaged over the period for which it was provided. (See Section 444-7(2).)

G. Nonrecurring lump sum payments are counted as assets starting in the month they are received. They are not counted as income in determining SNAP eligibility and benefits amounts.

H. Annuities and lottery winnings that are paid annually are averaged over a 12 month period.

I. Wages held at the request of the employee are considered income in the months they would otherwise have been paid. Wages held by an employer as a general practice are not counted until they are expected to be received. Advances on wages are counted when reasonably anticipated.

J. Households receiving income on a recurring monthly or semimonthly basis do not have their countable monthly income varied merely because of changes in mailing cycles or pay dates or because weekends or holidays cause additional payments to be received in a month.

**4. INCOME AVERAGING**

The steps below are followed to determine the best estimate of income.

A. All earned and unearned income received within a minimum time frame of four weeks immediately preceding the application or review must be verified even if not all four weeks’ income is used to calculate the best estimate.

If not all pay stubs for the four week period are available, but the gross income can be verified for each pay interval through year-to-date information, the four week period’s income is deemed to be verified.

B. The Department shall determine, through a careful review of the income documentation and discussion with the individual, if there have been any significant income changes during the four week period. If there have been, and the changes are of a continuous nature, the changes must be taken into consideration when determining the best estimate. For example, if an individual has received an increase in hourly rate, the new hourly rate must be multiplied by the appropriate number of hours (either stable or averaged) to determine the anticipated income.

C. The Department shall determine if any significant income changes are expected in the future. If yes, and the exact nature of the significant income change is known, the Department shall use that information in determining the best estimate of income.

D. The Department shall determine, through careful review of the documentation, the case record, and discussion with the individual if any of the income received is not expected to be representative of the future. For instance, the first pay check of new employment may not represent a full pay period, or a missing week's income may represent a summer plant closing which is not anticipated to occur in the next certification period. Non-representative income (or lack of income) is not used in calculating the best estimate. The case record must be clearly documented to explain why any income was not used, and to show how the best estimate was figured.

E. If income fluctuates to the extent that a four week period is not expected to provide the best estimate of income for the future review period, the Department may use information covering a longer period of time. If the income is from self-employment the Department may use the most recent tax year’s income.

F. The final step is to average the income representative for the eligibility period. If there were significant income changes, averaging is used only for the period of time not affected by the significant change-e.g., if the rate of pay increased, only the hours worked are averaged. The average hours multiplied by the increased rate of pay is then used to determine eligibility and benefits for the one time and prospective periods.

**NOTE:** If income does not fluctuate it is not necessary to average the income.

**GENERAL RULE** - Count all earned income from any source, excluding only those items listed under Exempt Income (FS 555-4).

**EARNED INCOME INCLUDES:**

1. **Wages and Salaries** - Include payments such as: gross earnedincome (before any payroll deductions), garnished wages, tips, commissions, etc. Workfare assistance payments are considered unearned income.

2. **Self-Employment** - Income derived from any self-employment activity (FS 444-2).

Types of self-employment may include:

a. Independent contractors, franchise holders, owners/operators, farmers, people who produce and sell a product, and service-type businesses;

b. seasonal self-employment such as fishing, clamming, worm digging, logging, etc.;

c. income from boarders (FS444-3);

d. income from roomers (FS 444-2);

e. ownership of rental property if a household member is actively engaged in the management of the property on an average of at least twenty hours per week. See FS 555-3 for those households not actively engaged in property management.

3. Training Allowances - That portion of training allowances which exceeds expenses, and represents a gain or benefit to the household.

4. W.I.A. - On the job training WIA earnings of household members except for dependents less than 19 years old and, regardless of age, except for participants in the Summer Youth Employment and Training Program and comparable summer youth employment and training programs under Americorps.

**NOTE**: Americorps does not provide OJT.

5. Attendant Care Payments - Attendant care payments *provided by an outside source* if the person providing the care is a household member.

**NOTE:** see FS 555-3, #9 for treatment of similar income as unearned income and FS 555-4, #7 for treatment of similar income as excluded income.

**VERIFYING EARNED INCOME:**

**ACCEPTABLE VERIFICATION (Not all Inclusive):**

- Pay stubs (if complete)

- Pay envelopes (if complete)

- W-2 Form

- State or Federal Income Tax Return

- Self-employment bookkeeping records

- Sales and expenditure records

- Employer's statement (signed and dated by employer)

- Employer's wage record

- Employment Security Office records

**HOUSEHOLDS HAVE THE PRIMARY RESPONSIBILITY TO** **PROVIDE VERIFICATION OF EARNED INCOME** - If necessary, the agency will assist the household in securing the required verification.

**1. GENERAL RULE**

Countable unearned income includes, but is not limited to:

A. **Assistance Programs** -

The full amount of payments from Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), Parents as Scholars (PaS), or other means-tested assistance

(1) TANF or PaS payments which are diverted to a third party are counted as income. See Section 555-4 for certain exclusions.

(2) Assistance payments from programs which require the performance of work without compensation other than the assistance payment are considered unearned income.

(3) If a payment from SSI, TANF, PaS, General Assistance (GA), or other means-tested assistance is reduced or ended due to the sanctioning or disqualification of a household member due to non-compliance with the program’s requirements, the full benefit (as if the individual was not sanctioned or disqualified) will be budgeted as unearned income. This amount will continue to be budgeted—

(a) for the duration of the disqualification if the household continues to receive the benefits from the sanctioning or disqualifying program, or

(b) through the end of the month the household ceases to receive benefits from the sanctioning or disqualifying program if the sanction or disqualification is open ended (e.g. until the individual complies) (e.g., if the other program’s last benefit is issued in December, no amount of that benefit is budgeted for January.).

B. **Other Payments** such as, but not limited to: Pensions, annuities, retirement, disability or veteran's benefits, unemployment insurance, workers’ compensation, social security, dividends, interest, royalties, income from installment contracts (both principal and interest), strike benefits, and payments from government programs not specifically excluded by law.

C. **Trust Funds** - Money received from a trust.

D. **Rental Income** - Gross income, less the cost of doing business (Section 444-2).

**EXCEPTION**: If any household member is actively engaged in management of the property on an average of at least 20 hours per week, consider as earned income (Section 555-2).

E. **Child Support or Alimony** - Payments made directly to the household, including the pass through and gap supplements. This includes money deducted or diverted from court ordered support or alimony to pay household expenses.

F. **Income from Sponsors of Aliens** - See Section 444-1.

G. **Students with Educational Income** - portion of loans, grants, scholarships and other educational benefits not excluded (Section 444-7(2)).

H. Money that is **legally due** the household which is diverted to a third party to pay household expenses.

**EXAMPLES:**

(1) Diversion of all or part of a TANF or PaS benefit to a lessor;

(2) that portion of an Unemployment Insurance Benefit (UIB) check intercepted by the Division of Support Enforcement and Recovery (DSER);

**NOTE:** GA vendor payments are excluded. See Section 555-4(2)(C).

I. Money that is legally due a household member but is received and used for that household member by a non-household member.

J. Income from investments or trading including but not limited to currency trading (including crypto currency), day trading, and dividends on long term investments.

**2. VERIFYING UNEARNED INCOME**

A. Documentary evidence is the primary source of verification. Whenever attempts to verify income have failed for reasons other than applicant or participant non-cooperation, an amount to be used shall be determined based on the best available information. If verification (other than documentary evidence) is used, the reason why shall be recorded in the case file.

B. The following documents are generally available to verify unearned income:

(1) All types of award letters

(2) Income tax records

(3) Support and alimony payments evidenced by court order, divorce or separation papers, or check copies.

(4) BENDEX and SDX

(5) Social Security Wire to Wire Third Party Query

(6) Social Security District Office records

(7) Maine Employment Security Commission

(8) Worker's Compensation records

(9) Insurance company records

(10) GA Agency records

(11) Social Service Agencies’ records

**GENERAL RULE**

All income is counted with the exception of income under the following categories:

**1. Loans** - All loans, except loans on which repayment is deferred until completion of that member's education. (A statement signed by both parties indicating the money is a loan is acceptable verification.) For treatment of student loans see Section 444-7(2). For repayment of home equity loans see allowable shelter costs, Section 555-5(7)(A)(1).

**2. Certain Vendor Payments**

A. Money payments by a non-household member which are not legally due the household and are paid directly to a third party for a household's expense. For example, a relative pays the rent or an employer pays the rent and it is not considered part of the individual’s compensation by the employer.

B. TANF vendor payments made to a third party which are not normally included in the TANF benefit or which are over and above the normal TANF payment (currently, Maine does not restrict any part of TANF assistance to a vendor payment; therefore, this exclusion does not apply to TANF in Maine).

C. Vendored assistance from state or local programs which provide no cash assistance. This includes General Assistance vendor payments made to a third party. All General Assistance payments must be made in the form of a third party vendor payment, and are excluded under provisions of the Food and Nutrition Act.

D. Court ordered vendor payments in lieu of a direct payment.

**3. Income in Kind** - Any gain or benefit which is not money such as shelter provided by an employer not considered part of the individual’s compensation by the employer or a lessor, produce from a garden, clothing, gift cards, etc.

**4. Repayments** - Monies withheld or returned from an assistance payment, earnings, or other source to repay a prior overpayment.

**EXCEPTION:** The gross amount is counted when the overpayment is the result of an intentional violation of program rules in a means-tested program, such as TANF/PaS or SSI. An intentional program violation in TANF/PaS must be determined by a court or an administrative hearing or the signing of a waiver.

**5. Child Support Payments -** Received by TANF/PaS recipients that are turned over to the Department of Health and Human Services.

**NOTE:** See Paragraph 21 of this section for treatment of child support payments made by SNAP recipients.

**6. Excluded Reimbursements and Allowances** - Payments which do not exceed the actual costs for job-related or training-related expenses, medical expenses, or dependent care expenses. This includes allowances from SNAP E&T and WIOA.

**NOTE:** No ASPIRE or HOPE work related expense payments are counted, even when received prospectively.

**7. Third-Party Payments** - Monies both received for and used for the care of a third-party beneficiary who is not a household member.

**NOTE:** When payments are made to both household and non-household members, any portion of the payment intended and used for the care and maintenance of the non-household member is excluded. If the non-household member's portion cannot be identified, the payment is prorated among intended beneficiaries. The greater of the household member's prorated share or the amount actually used for the household member's care and maintenance, is counted.

**8. Earned income of an elementary or secondary school student 17 years of age or younger** who lives with their natural, adoptive, or stepparent, or who is living under the parental control of a household member other than a parent.

An elementary or secondary school student is someone who attends elementary or secondary school enough time for that person’s state or local school district to consider the person a “student”. This includes a student who attends high school equivalency or home-school classes recognized, operated, or supervised by the student’s state or local school district.

The treatment of this income will not be altered by semester breaks, summer vacations, etc., provided the student will resume enrollment after the break (Section 444-7).

**NOTES:** The student’s income is excluded until the month following the month in which the student turns 18. If the household receives one payment for work performed by all members and the student's portion is not defined, the income is divided equally among the number of household members working and the portion allotted to the student is excluded.

**9. Losses from Farming Enterprise** (Section 444-2)

**10. Nonrecurring Lump-Sum Payments**

Some examples are: Income tax refunds, including the Earned Income Tax Credit (EITC), Alternative Aid and Emergency Assistance payments. That portion of retroactive lump-sum Social Security, Supplemental Security Income (SSI), railroad retirement or insurance settlements intended to cover a period prior to the budget month. See Section 333-2 for if and when these payments would be countable assets.

**NOTE:** That portion of a Temporary Assistance for Needy Families (TANF) or Parents as Scholars (PaS) retroactive payment which covers a period prior to the payment month is treated as an asset, rather than income. The same is true of a nonrecurring Division of Support Enforcement and Recovery (DSER) pass through and gap payment for a prior period.

**11. Specified Student Income Exclusions** - See Section 444-7(2).

**12. Certain cash donations, based on need,** from one or more private, nonprofit charitable organizations. The first $300 of such cash donations per federal fiscal year quarter are excluded.

**NOTE:** FFY Quarters are as follows: October – December, January - March., April - June, and July – September.

**13. Income excluded by Federal statute** including but not limited to:

**A. Energy Assistance** - Payments or allowances made under any federal energy assistance law except those provided under Title IV(A) of the Social Security Act[[1]](#footnote-1). Department of Housing and Urban Development (HUD) utility payments and reimbursements are considered federal energy assistance.

**NOTE:** If a household incurs utility expenses in excess of the HUD utility payments or reimbursement, they are eligible for the appropriate utility standard (see Section 555-5).

**NOTE:** An expense paid on behalf of the household under state law to provide energy assistance is considered an out of pocket expense incurred and paid by the household.

**B. Workforce Investment and Opportunity Act (WIOA)** payments

**EXCEPTION:** Payments from WIOA’s on-the-job training program (OJT) are counted unless

(1) they are received by dependents less than 19 years old or,

(2) they are received by participants (regardless of age) in the Summer Youth Employment and Training Program or comparable summer youth employment and training programs under Americorps. Americorps does not provide OJT.

1. **Americorps Volunteers in Service to America (VISTA)** - These payments are excluded only if the recipient was receiving SNAP or public assistance at the time they enrolled in VISTA. Temporary interruptions in SNAP participation do not change the exclusion once an initial

determination of exemption has been made. Applicants not receiving public assistance or SNAP when they joined VISTA will have VISTA payments counted as earned income.

**EXCEPTION:** VISTA volunteers who were receiving FS prior to January 1, l979, continue to have VISTA income excluded.

**D. Americorps (State or National) stipends**

**E. National Older Americans Volunteer Programs** including but not limited to-

(1) Retired Senior Volunteer Program (RSVP)

(2) Foster Grandparent Program

(3) Older American Community Service Programs

(4) Senior Health Aides and Senior Companions

(5) Service Corps of Retired Executives (SCORE)

(6) Active Corps of Executives (ACE)

**F. Payments Under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.**

**G. Women, Infants and Children (WIC) Program**

**H. Special Native American Payments** - Excluded by law, such as payments under the Maine Indian Land Claims Settlement Act.

**I. Wages under the Senior Community Service Employment Program (SCSEP) of the Older Americans Act.**

**J. Payments made from the Agent Orange Settlement Fund** or any other fund established pursuant to the settlement in the Agent Orange product liability litigation.

**K. Federal Earned Income Tax Credit (EITC)** whether received as advanced payment in weekly wages or received in one lump sum after filing annual income tax return.

**L. Interest and matching investments in Achieving a Better Life Experience (ABLE) accounts**, established under Sec. 529A of the Internal Revenue Code of 1986.

**14. Amounts necessary for the fulfillment of a plan to achieve self-support (PASS)** excluded by the Social Security Administration in figuring SSI payments.

**15. State or federal one-time assistance for weatherization or emergency repair or replacement of an unsafe inoperative or other heating or cooling device**,

**16. Matching awards of Savings Offer Success (SOS)** made by Rural Opportunities, Inc. (ROI) to households that participate in their program,.

**17. Funds in the Department of Housing and Urban Developments (HUD) Family Self-Sufficiency Program (FSS) escrow accounts,**

**18. Nutritional Assistance Program (NAP) Benefits** from Puerto Rico, American Samoa and the Commonwealth of the Northern Marianas.

**19. Payments to a former spouse made under the Uniformed Services Former Spouses' Protection Act.** These are part of a property settlement involving military retirement.

**20. Legally obligated child support payments**

Household income used to make **legally obligated child support payments** from a household member to or for an individual who is not a member of the household is excluded.

**NOTE:** The exclusion is allowed when a child support payment is made to an individual or an agency outside the household even if the child for whom the support is paid is a household member. However, child support paid by a household member which is received by a member of that household will not be allowed as a child support exclusion or counted as child support income (e.g., child support arrearage that is paid to the state by a household member and is forwarded by the state to a child entitled to the support payment who resides in that household is counted as income of the payer of the child support, not the child).

A. Household income used to make the following legally obligated child support payments are excluded:

(1) payments made for current obligation.

(2) payments made for unmet past obligation. or

(3) in-kind payments if the in-kind nature of the payment is ordered by the court or administrative child support hearing (ex. The court ordered the individual to pay for a child’s health insurance)

B. Households must verify child support payments that they are legally obligated before the income used to make them is excluded. Copies of legal procedures, canceled checks, signed statements from payee, and information from the Division of Support Enforcement and Recovery (DSER) are sufficient.

C. Household income used to make:

(1). child support payments which are not legally obligated (e.g. Voluntary payments),

(2) child support payments which divert from the court order (e.g. Purchasing clothing instead of paying the $50/wk. ordered by the court),

(3) spousal or any other non-child support payments, or

(4) child support collected through tax intercept

is counted.

**21. Monies received as accrued interest on a recipient’s Family Development Account or Separate Identifiable Account;**

**22. Monies received as a match on deposits a recipient makes in their Family Development Account or Separate Identifiable Account** set up as authorized by state law 20-A M.R.S. § 10982 up to the $10,000 cap; or

**23. Any additional money from military personnel during the time of deployment to a combat zone** that is made available to the SNAP household.

**1. GENERAL RULE**

Certain expenses are deducted from countable income. These expenses must be incurred by the household. They are only deductible if the service is provided by someone outside the household. Deductible expenses are determined prospectively. Only the deductions listed in this section are allowed.

**2. EARNED INCOME DEDUCTION**

20% of total gross earnings is deducted to allow for work related expenses such as taxes, retirement deductions, and transportation.

**Exceptions:** the earned income deduction is not allowed for that portion of earned income:

A. earned under a work supplementation or support program that is attributable to public assistance; or,

B. which the household failed to report in a timely manner (when determining an over issuance).

**NOTE:** Workfare assistance payments are considered unearned income and not subject to this deduction.

**3. STANDARD DEDUCTIONS**

The standard deduction varies according to household size and is adjusted annually for cost-of-living increases. They can be found in Section 999-3 Chart 7.

**4. EXCESS MEDICAL DEDUCTION**

Certain medical expenses incurred by individuals who are elderly or have disabilities (Section 999-1) may be deducted.

A. The following expenses are not deducted:

(1) the cost of items that can be purchased with SNAP benefits even if they are for a special diet;

(2) reimbursable medical expenses even if they are listed in B below, (E.g. an individual may pay out of pocket for eyeglasses but that portion which will be reimbursed by their health plan or employer is not an allowable deduction for SNAP.);

(3) the cost of anything that violates federal law;

(4) interest or penalties associated with a payment plan or delayed payment; or

(5) the first $35.00 of allowable medical deductions per month per household.

B. To the extent that they are allowable under A above, the following verified medical costs may be deducted:

(1) dental and medical care, and psychotherapy and rehabilitation services by qualified health professionals;

(2) hospitalization, outpatient treatment, nursing care and nursing home care (including payments for persons who were household members immediately prior to entering a hospital or nursing home) recognized by the State;

(3) prescription drugs when prescribed by a licensed practitioner; over the counter medication (including insulin) when approved by a licensed practitioner or other qualified health professional; and medical supplies, sick room equipment (including rented), or other prescribed equipment;

(4) Medicare premiums and health and hospitalization insurance policy premiums;

**EXCEPTION:** Health and accident policies (such as those payable in lump-sum settlements for death or dismemberment) are not allowed.

(5) dentures, hearing aids, and prosthetics;

(6) food and veterinarian bills for a guide dog or any service animal specifically trained to serve the needs of an individual who is elderly or has disabilities;

(7) prescription eyeglasses;

(8) costs of transportation and lodging necessary for the individual to obtain medical treatment including the costs for an attendant when necessary.

**NOTE:** For transportation costs, actual verified costs or the MSEA mileage allowance found at <https://www.maine.gov/osc/travel/mileage-other-info> may be used.

(9) Costs of attendant, homemaker, home health aide, child care services or housekeeper necessary because of age, infirmity or illness including an amount equal to the one-person Thrifty Food Plan (Section 999-3 Chart 5) if the household provides the majority of the attendant's meals. If the attendant care costs qualify under both medical and dependent care deduction, it is applied as a dependent care deduction.

C. Household must verify medical expenses before they are budgeted. Copies of paid or unpaid bills are sufficient.

**5. DEPENDENT CARE DEDUCTIONS:**

When supervision of a qualified dependent is necessary for an individual to engage in a qualified activity (See Subparagraph B below) and is not provided by a household member, those costs are deductible.

A. Qualified Dependents are either:

(1) children under the age of 18, or

(2) individuals of any age who are incapacitated and unable to participate in normal activities (including but not limited to work or school) who are at risk for health and safety issues without supervision. If the attendant care costs qualify under both medical and dependent care deduction, it is applied as a dependent care deduction.

B. Qualified activities are:

(1) working,

(2) seeking employment, and

(3) attending training or schooling in preparation for employment.

C. Household must verify dependent care expenses at application and annual eligibility review before they are budgeted. Copies of paid or unpaid bills, or statement from provider are sufficient.

**6. HOMELESS SHELTER DEDUCTION**

Households experiencing homelessness who incur or reasonably expect to incur shelter costs during a month are eligible for the Homeless Shelter Deduction found in Section 999-3 Chart 8.

**Note:** This is a deduction and not a shelter expense.

**7. EXCESS SHELTER DEDUCTION**

Shelter costs over 50% of the household's income after all other deductions are deducted, up to the maximum excess shelter deduction found in Section 999-3 Chart 8.

**EXCEPTION:** No maximum shelter cap applies to households with one or more members who are elderly or have disabilities (Section 999-1).

**NOTE:** For households with members who are non-citizens funded by a mix of Federal and State funds see Section 444-11.

**A. Allowable shelter costs are—**

(1) continuing charges leading to ownership of or required for continued occupancy of the shelter occupied by the household (e.g. rent, mortgage (including second mortgages), condominium fees, and required association fees);

**NOTE:** Security deposits are not budgeted.

(2) property taxes, state and local assessments, and insurance on the structure;

**NOTE:** Separate costs for insuring furniture or personal belongings are not budgeted.

(3) electricity, gas, heating/cooling costs, cooking fuel, water, sewer, trash collection, basic fee (and tax on basic fee) for one telephone and initial installation of utilities (These utilities are budgeted per Paragraph B below.); and

(4) charges for repair of the home when damaged by natural disaster, unless reimbursed by private or public relief agencies, insurance, etc.

**B. UTILITY EXPENSES**

Households eligible for the Full Standard Utility Allowance (FSUA), Non-Heat Utility Allowance (NHUA), or Phone Only Utility Allowance (PhUA) have it used as the utilities portion of their shelter expenses. Households not eligible for any utility allowance have the actual verified expense used as the utilities portion of their shelter expenses.

For households using part or all of their utility expenses as self-employment expenses, see C below.

For treatment of utility expenses for a home temporarily vacated, see D below.

All Utility allowance amounts can be found in Section 999-3 Chart 8.

**(1) FSUA**

(a)A household who has received $20 or more in Low Income Heating Assistance Program (LiHEAP) benefits or similar energy assistance benefits in the period including the current month and the immediately preceding 12 months is eligible for the FSUA.

(b) A household who incurs, in full or in part, heating or air conditioning expenses apart from their rent or mortgage bill even if on an irregular basis is eligible for the FSUA. When someone outside the household is paying the entire cost of heating/cooling, and the payment is excluded as a vendor payment, the household is not eligible for the FSUA.

(c) Households living in a housing unit which has central utility meters and are charged only for excess utility costs are eligible for the FSUA.

**(2) NHUA**

A household who incurs at least two of the following expenses: cooking, lights, water, sewer, telephone, or trash collection including the costs of trash bags, land fill fees, etc. is eligible for the NHUA.

If a household has only one of the above expenses, they are not eligible for the NHUA. If the one expense is not telephone, actual expense must be used.

If multiple households share utility expenses, each household eligible for the NHUA receives the full NHUA.

**(3) PhUA**

Households not eligible for the FSUA or the NHUA who incur telephone expenses including basic line charges, cellular phone fees, or telephone cards are eligible for the PhUA.

If multiple households share telephone expenses, each household eligible for the PhUA receives the full PhUA.

**C. USE OF RESIDENCE FOR SELF EMPLOYMENT**

That portion of the shelter costs budgeted as self-employment expenses (Section 444-2) cannot be used as shelter expenses. Households are still eligible for the appropriate Standard Utility Allowance based on utilities not paid in full by the business.

**D. HOME TEMPORARILY VACATED**

Shelter costs for a home temporarily vacated by the household because of employment or training, illness, natural disaster or casualty loss are deductible only if:

(1) the household intends to return,

(2) the current occupants are not claiming shelter costs for SNAP purposes, and

(3) the home is not leased or rented while household members are absent.

**NOTE:** Households are only eligible for one utility allowance based on all shelter utilities.

**8. HANDLING OF EXPENSES**

A. Except when expenses are averaged, a deduction is allowed only in the month the expense is billed or otherwise becomes due, regardless of when the household plans to pay the expense. For example, rent which is due each month shall be counted even if the expense is not yet paid. Amounts from past billing periods are not deductible.

**NOTE:** When a household occupies a residence that has a monthly rent structure, the monthly amount of rent should be budgeted for each month when the shelter deduction is determined, without regard to when the rent was actually paid. For example: A SNAP household with a monthly rent of $500.00 received a financial windfall in November and paid rent for the next six months. The $500.00 rental payment is counted for each of those pre-paid months.

B. Deductible expenses must be payable to someone outside the household.

C. Fluctuating expenses may be averaged.

(1) General Rule

Expenses which are billed less often than monthly may be averaged forward over the interval between scheduled billings or if there is no schedule over the period the expense is intended to cover.

(2) One-time only medical expenses are treated as a one-time only deduction (see A above), averaged over the certification period or remainder thereof, or in the instance of installment purchases over the life of the repayment schedule at the household’s option. Averaging begins the month the change would become effective. If the change cannot be reflected within the certification period the expense is verified, the Department shall issue a supplemental allotment.

D. That portion of the household's expense paid by an excluded vendor payment (Section 555-4(2)) is not budgeted. Expenses paid via a countable vendor payment (such as those paid by countable student aid (Section 444-7(2) or court ordered child support (Section 555-3(1)(E)) are budgeted.

E. The household's expenses are calculated based upon the expenses expected to be billed during the certification period. Anticipation of the expense is based upon the most recent month's bills unless it is reasonably certain that a change will occur. Changes may also be anticipated based on last year's bills for the same period updated to reflect overall price changes. The amount that can be budgeted cannot be determined solely by averaging past expenses, such as utility bills, for the last several months.

**1. Determining Income and Applying Standards:**

**A. Gross Income:**

The household's total countable gross income must be at or below the gross income standards (Section 999-3 Charts 2 - 4) to determine Categorical Eligibility, eligibility to be considered a separate household from an elderly individual or an individual with disabilities and/or eligibility for benefits. If the gross test is passed all other conditions must still be met.

**B. Determining Net Income:**

If the household may be eligible after the gross income tests, this step-by-step procedure is used to calculate the net monthly income:

(1) Add all gross earned and unearned income including legally obligated child support payments.

(2) Subtract 20% of earned income (Section 555-5).

(3) Subtract legally obligated child support payments.

(4) Subtract the Standard Deduction (Sections 555-5 and 999-3 Chart 7).

(5) If the household contains a member who is elderly or has a disability, subtract the Excess Medical Deduction (Section 555-5).

(6) Subtract dependent care expenses.

(7) If applicable, subtract homeless shelter deduction to determine adjusted net income (Sections 555-5 and 999-3 Chart 8).

(8) Subtract the Excess Shelter Deduction

(a) Determine total shelter costs (Section 555-5).

(b) Subtract half the figure arrived at in 7, above, from the shelter costs to determine the shelter deduction.

(c) Subtract the shelter deduction up to the cap (Section 999-3 Chart 8) from the adjusted net income to determine the net SNAP income (NSI) (Section 555-5).

**EXCEPTION:** There is no shelter cap for a household containing at least one individual who is elderly or has a disability.

If the NSI is less than $0, it is raised to $0.

**C. Net Income Test:**

Non-categorical households must have an NSI at or below the net income standard (Section 999-3 Chart 1).

**2. Determining Benefit Amounts**

**A. Determining a Full Month’s Benefit**

An eligible household’s monthly benefit is determined by subtracting 30% of the NSI from the Thrifty Food Plan for that size household (Section 999-3 Chart 5) and rounding down to the nearest whole dollar.

**EXCEPTION:** Except for the initial month, eligible one and two member households are eligible for a minimum allotment (Section 999-3 Chart 6).

**B. Determining an Initial Month’s Benefit**

The initial allotment is determined by the following:

(1) No minimum allotment is taken into consideration for the initial month.

(2) Migrant and seasonal farm worker households which participated in the program, in the previous month are eligible for a full month’s benefit for the initial month.

(3) For all other households the allotment issued for the initial month is prorated from the date of application (Section 999-1) or the date the household takes the required action per the standards established in Section 222-6(5).

(a) The corresponding figure in the “Table of Percentages for Proration” in Section 555-7 is multiplied by the full months benefit calculated in A, above (disregarding the minimum).

(b) The product is rounded down to the nearest whole dollar.

(c) If this figure is less than ten, there is no allotment for the initial month. Otherwise, this figure is the allotment for the initial month.

(4) The Department shall not reduce an initial month’s allotment to pay off a claim without the household’s permission.

(5) The allotment for the initial month after an annual eligibility review and any month there was a break in participation during the certification period is only prorated if the household was at fault for the break in participation.

(6) An eligible household with a date of application after the 15th of the month is issued an initial allotment which combines the initial month’s allotment and the first regular month’s allotment. No further benefits will be issued until the second full month.

**NOTE:** If a household files an application with less than a 30 day break since their previous participation, the resulting benefits do not qualify for the combined two month allotment provision.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Table of Percentages for Proration** | | | | | | | |
| **28-Day Month** | | **29-Day Month** | | **30-Day Month** | | **31-Day Month** | |
| **Day Percent** | | **Day Percent** | | **Day Percent** | | **Day Percent** | |
| 1 | 100.00 | 1 | 100.00 | 1 | 100.00 | 1 | 100.00 |
| 2 | 96.43 | 2 | 96.55 | 2 | 96.67 | 2 | 96.77 |
| 3 | 92.86 | 3 | 93.10 | 3 | 93.33 | 3 | 93.55 |
| 4 | 89.29 | 4 | 89.66 | 4 | 90.00 | 4 | 90.32 |
| 5 | 85.71 | 5 | 86.21 | 5 | 86.67 | 5 | 87.10 |
| 6 | 82.14 | 6 | 82.76 | 6 | 83.33 | 6 | 83.87 |
| 7 | 78.57 | 7 | 79.31 | 7 | 80.00 | 7 | 80.65 |
| 8 | 75.00 | 8 | 75.86 | 8 | 76.67 | 8 | 77.42 |
| 9 | 71.43 | 9 | 72.41 | 9 | 73.33 | 9 | 74.19 |
| 10 | 67.86 | 10 | 68.97 | 10 | 70.00 | 10 | 70.97 |
| 11 | 64.29 | 11 | 65.52 | 11 | 66.67 | 11 | 67.74 |
| 12 | 60.71 | 12 | 62.07 | 12 | 63.33 | 12 | 64.52 |
| 13 | 57.14 | 13 | 58.62 | 13 | 60.00 | 13 | 61.29 |
| 14 | 53.57 | 14 | 55.17 | 14 | 56.67 | 14 | 58.06 |
| 15 | 50.00 | 15 | 51.72 | 15 | 53.33 | 15 | 54.84 |
| 16 | 46.43 | 16 | 48.28 | 16 | 50.00 | 16 | 51.61 |
| 17 | 42.86 | 17 | 44.83 | 17 | 46.67 | 17 | 48.39 |
| 18 | 39.29 | 18 | 41.38 | 18 | 43.33 | 18 | 45.16 |
| 19 | 35.71 | 19 | 37.93 | 19 | 40.00 | 19 | 41.94 |
| 20 | 32.14 | 20 | 34.48 | 20 | 36.67 | 20 | 38.71 |
| 21 | 28.57 | 21 | 31.03 | 21 | 33.33 | 21 | 35.48 |
| 22 | 25.00 | 22 | 27.59 | 22 | 30.00 | 22 | 32.26 |
| 23 | 21.43 | 23 | 24.14 | 23 | 26.67 | 23 | 29.03 |
| 24 | 17.86 | 24 | 20.69 | 24 | 23.33 | 24 | 25.81 |
| 25 | 14.29 | 25 | 17.24 | 25 | 20.00 | 25 | 22.58 |
| 26 | 10.71 | 26 | 13.79 | 26 | 16.67 | 26 | 19.35 |
| 27 | 7.14 | 27 | 10.34 | 27 | 13.33 | 27 | 16.13 |
| 28 | 3.57 | 28 | 6.90 | 28 | 10.00 | 28 | 12.90 |
|  |  | 29 | 3.45 | 29 | 6.67 | 29 | 9.68 |
|  |  |  |  | 30 | 3.33 | 30 | 6.45 |
|  |  |  |  |  |  | 31 | 3.23 |

Transitional Food Assistance (TFA) benefits are a fixed monthly amount of Food Supplement benefits that are provided for up to five months to certain families whose TANF cash assistance has ended. TFA eligibility is based on the TANF closure so the household must have received TANF or TANF/PaS cash assistance within the past 30 days and Food Supplement Program benefits within the past 60 days to be considered for TFA eligibility. The household does not have to lose eligibility for regular Food Supplement benefits to become eligible for TFA, however, the household cannot receive TFA and regular Food Supplement benefits at the same time.

**Eligibility for Transitional Food Assistance (TFA)**

All included members in an open Food Supplement household, that includes at least one member from a TANF financial assistance group at the time the TANF closes, are eligible for TFA.

Approved TANF closure reasons are:

1. Gross or net income over limits; or

2. Increase in work hours, transitional services.

Households eligible for TFA will receive a TFA Start Letter, which contains information about who is eligible for TFA, the amount of the benefit, how the benefit was determined, and the length of the TFA period. The letter will also explain the process for reporting household changes for those receiving TFA. Households will be notified that they are not required to report any changes in circumstances until the time that they must apply for recertification. Finally, the letter will notify families that their benefit allotment can be changed if the household experiences a decrease in income, an increase in expenses or an increase in household size that could lead to a higher Food Supplement allotment.

Households are not eligible for TFA if TANF cash assistance closed in part or solely due to any of the following:

1. a sanction, being a fugitive felon, or Intentional Program Violation;

2. a transfer of assets or property to qualify for assistance;

3. failure to cooperate with quality control or child support;

4. failure to provide verification required to determine eligibility;

5. not residing in Maine;

6. a case head has left the household.

Households in which all members are ineligible for the Food Supplement Program are also ineligible for TFA.

Individuals ineligible or excluded from the Food Supplement Program at the time that TFA is initially determined will remain ineligible for the duration of the TFA period.

**Determining the Transitional Food Assistance (TFA) Benefit Allotment**

The TFA benefit amount is based on information already known at the time the TANF ends. No further contact is required with the household until the end of the TFA period.

The TFA benefit amount is determined by using the Food Supplement Program budget for the last month that TANF cash was issued and deducting the TANF grant that the household is no longer receiving.

The resulting net income is used to calculate the TFA benefit amount.

The TFA benefit amount is frozen for the duration of the TFA period regardless of any changes to the household’s circumstances. See *Transitional Food Assistance Requirements* and *Changes During the Transitional Food Assistance (TFA) Period* below.

**EXCEPTIONS:** Only under the following circumstances are TFA benefits recalculated during the TFA period:

1. federally mandated updates to Food Supplement Program allotments and deductions in October;
2. recoupment; and

3. if a member of an TFA household moves out and either reapplies on their own or is reported as a new member in another Food Supplement household.

**Transitional Food Assistance (TFA) Period**

The TFA benefit period begins the first month following the last month TANF financial assistance was received and continues for five consecutive months, unless during the TFA period the household:

1. opens for TANF cash;

2. reapplies for regular Food Supplement Benefits; or

3. requests that TFA close.

The recertification period for Food Supplement Program will be reset to match the last month of TFA at the time the household is found eligible for TFA. See FS 666-8, *Shortening a Certification Period*.

Households will be mailed a special review form the end of month four of the TFA period. Households must recertify for regular Food Supplement benefits by completing the review form during TFA month five to have eligibility for regular Food Supplement benefits redetermined. During the recertification, all changes that were reported during the TFA period, and any new information, will be used to determine ongoing Food Supplement Program eligibility. If the household fails to complete and submit the review form or reapply, TFA automatically terminates on the last day of month five.

**Transitional Food Assistance (TFA) Work Requirements**

There are no work registration requirements or ABAWD work requirements during the TFA period.

**Changes During the Transitional Food Assistance (TFA) Period**

If the household only receives TFA, and is not open for another assistance program, the household has no reporting requirements. If the household is open for other programs in addition to TFA, the household must continue to report all changes as required by those programs.

Since TFA benefits are frozen and cannot be altered during the TFA period, any changes acted upon for other programs will not impact the TFA benefit amount. *See* ***EXCEPTIONS*** *on previous page.*

If a household experiences a decrease in income, an increase in expenses, or an increase in household size, the household’s benefits could potentially be higher if the household stopped TFA and requested regular Food Supplement benefits. Because benefits are frozen during the TFA period, the household must reapply for regular Food Supplement benefits to have the household’s benefit allotment amount changed.

**Terminating Transitional Food Assistance (TFA)**

TFA will automatically end under the following circumstances:

1. the household opens for TANF cash;

2. the household reapplies for regular Food Supplement benefits. See *Changes During the Transitional Food Assistance (TFA) Period* above; or

3. the household fails to complete and submit the review form during month five of the TFA benefit.

**1. SIMPLIFIED REPORTING**

Households must report, by the tenth of the month following the month the change occurred if:

A. their monthly household gross income exceeds 130% of the federal poverty level (FPL) (Section 999-3 Chart 2).

B. Any household that contains an ABAWD (see Section 111-7) who is employed must report when the ABAWD’s weekly hours fall below 20.

C. Any individual(s) win, in a single game, gross gambling or lottery winnings equal to or in excess of the figure found in Section 999-3 Chart 9 for Non-Categorical Households with a member who is elderly or has a disability.

Households are not required to report any other changes for SNAP except at annual eligibility review and six-month report.

**2. Six-Month Reports**

A. Households in which all adult members are elderly or have disabilities with no earned income at certification are not required to complete a six-month report.

B. All other households must complete a six-month report. Information reported on the six-month report must reflect current household status.

C. The Department shall send households who are required to submit a six-month report, a six-month report prior to the end of the fifth month of their certification period.

D. The six-month report is not a recertification, therefore:

(1) Reported changes that result in a decrease in benefits or closure need to receive adverse action and advance notice.

(2) Reported changes that result in a decrease in benefits (e.g., increases in income, decreases in household size or expenses) do not require verification.

(3) Changes to mandatory items, per Section 222-5(2), that result in an increase in benefits (e.g., decreases in income), may only be made if they are verified.

(a) Recipients may be asked to submit verification; however, they are not required to do so. The Department shall inform recipients of the advantage of submitting verification of changes that increase benefits.

(b) If verification is received after the processing of the six-month report and it results in an increase to the benefit amount, the increase takes effect the month the verification was received. The household may be eligible for a supplement.

(4) Only the questions on the six-month report need to be answered or reported.

E. The Department shall send a reminder notice to households during the sixth month if the six-month report has not been received by the filing date.

F. Failure of the household to return the report prior to the end of the sixth month results in closure of SNAP benefits. The benefits will remain closed unless the report is submitted during the seventh month or the household reapplies for benefits.

G. If a six-month report is submitted late, but received by the Department in the seventh month the end date of the certification period will not change and benefits for the seventh month will not be prorated, if the household is otherwise eligible.

Households that do not submit their six-month report by the end of the seventh month of the certification period will need to reapply if they want benefits to continue. A six-month report received after the seventh month cannot be accepted as an application or reapplication.

**3. Changes During the Certification Period**

A. The Department shall act on verified changes as they become known to the Department. Changes that are considered verified upon receipt, such as verified changes reported by the household, changes reported by the Social Security Administration, the Division of Support Enforcement and Recovery and the Department of Labor Bureau of Unemployment Compensation will be acted on whether they increase or decrease benefits. If reported changes cannot be considered verified upon receipt, the Department will not act on the change unless required by another program in which the household is participating.

B. Changes acted on for other programs for a household receiving SNAP benefits must be acted on for SNAP. If the Department requests verification from the household to clarify circumstances for another program and the household fails to respond to that request, the Department must consider the impact on SNAP benefits according to Section 222-5.

C. At any time during the certification period, changes that are reported, whether as part of the annual eligibility review, as mandatory reporting or as a voluntary report will be acted upon in the following manner:

(1) Reported changes that result in a decrease in benefits or closure do not require verification. The Department shall provide adverse action and advance notice of the decrease. If the household is expected to be ineligible for only one month, the case is suspended.

**NOTE:** If any responsible member provides information that results in ineligibility for the household or a member of the household, requests that the action take effect immediately, and signs a statement affirming so, the action shall be taken immediately.

(2) Changes that result in an increase in benefits (e.g., decreases in income) must not be made without verification if it is a mandatory item per Section 222-5. If no verification is necessary

the increase is effective the month the change is reported. The household may be eligible for a supplement.

(a) Recipients may be asked to submit verification; however, they are not required to do so. The Department shall inform recipients of the advantage of submitting verification of changes that increase benefits.

(b) If verification is received and it results in an increase to the benefit amount, the increase takes effect the month the verification was received. The household may be eligible for a supplement.

D. During the certification period, information on household circumstances may be received that requires clarification or verification in order to determine a household’s continued eligibility for benefits. Unclear information can be either not verified or verified but still requiring additional information to act on it. Unclear information will be processed as follows:

(1) If the unclear information is received other than at application or annual eligibility review and the change is less than 60 days old from the current month of participation and would have met the requirements for a reportable change, as stipulated in 1 above, the Department shall send a letter which informs the household about the required verification needed to clarify household circumstances, with a 10-day time frame in which to respond.

Failure to respond will result in a notice of adverse action to close the case and advise the household they may be required to submit a new application if they want to continue to participate in SNAP.

(2) If the unclear information significantly conflicts with the information used by the Office for Family Independence (OFI) staff to determine eligibility at the time of certification, then the Department shall send a letter which informs the household about the required verification needed to clarify household circumstances, with a 10-day time frame in which to respond.

Failure to respond will result in a notice of adverse action to close the case and advise the household they may be required to submit a new application if they want to continue to participate in SNAP.

(3) If the unclear information is received as a result of a data match with the prisoner verification system or the deceased matching system, and the department cannot verify the information, then the Department shall send a letter which informs the household about the required verification needed to clarify household circumstances, with a 10-day time frame in which to respond. Collateral contacts will not be used to verify data matches with out the household’s consent.

Failure or refusal to respond will result in closure of the SNAP case.

(4) If the unclear information does not meet the criteria for numbers 1 or 3, above, OFI staff will not act on the information or require the household to provide any verification related to this information until the next annual eligibility review.

**4. State Mandated Supplements**

When a change is reported by the household**,** and it would have resulted in a benefit increase for the month in which it is reported had the allotment not already been authorized, the Department shall issue a supplemental allotment. The amount is calculated based upon the difference between the amount already authorized and the amount the household would have received based upon the circumstances in the month the change is reported.

**NOTE:** This means that when a change is reported by the household during the certification period, a determination of whether or not a supplement is required must be made based solely on the circumstances in the month in which the change is reported. It is conceivable that a reported change could result in a decrease in next month's benefits and a supplement for the month it was reported.

Under no circumstances should a supplemental allotment be calculated based simply upon the difference between "this month's allotment compared to next month's allotment".

The Department shall authorize supplements no later than 5 days after the change is reported and if necessary verified, whichever is later. Households are entitled to the supplement whether or not the change is reported within 10 days of its occurrence. They are entitled to the supplement when the change is reported during the annual eligibility review process.

**GENERAL RULE** - Certain changes are initiated by the State or Federal government which may affect all or most of the caseload. These changes include, but are not limited to:

1. adjustments in the Thrifty Food Plan.

2. adjustments in the standard deduction.

3. adjustments in the shelter/dependent care deduction.

4. adjustments in the income eligibility standards.

5. periodic adjustments to TANF or PaS payments.

Advance notice of adverse action is not required when a household's benefits are reduced or terminated as a result of a mass change. The household shall receive adequate notice not later than five days before benefits would normally be received.

**\*EXCEPTION**: Adverse actions resulting from computer to computer matching concerning mass changes to Federal benefits, other than Social Security and SSI, require an advance notice of 30 days.

**GENERAL RULE** - Establish a definite period of time which the household shall be eligible to receive Food Supplement benefits. At the expiration of each certification period entitlement to benefits ends. At initial application, the first month of the certification period shall be the month of application. Certification periods shall conform to calendar months and shall not be more than twelve (12) months.

**NOTE:** Food Supplement Program (FSP) applicants and recipients receiving TANF/PaS and MaineCare shall be assigned a common re-determination period based upon FSP criteria. Categorically eligible TANF/PaS households shall have their FSP benefits terminated for failure to complete a re-determination even though they continue to receive TANF/PaS or SSI benefits. When TANF/PaS benefits are terminated within the certification period, and the agency does not have sufficient information to determine the effect upon FSP eligibility and benefit level, the following actions shall be taken:

Wait until it is certain that the TANF/PaS benefits will be closed for at least one month.

Unless the certification period expires by the end of the following month, send a notice of expiration which informs the household that its certification period will expire at the end of the month following the month the notice of expiration is being sent, and that its certification period is expiring because of changes in its circumstances which may affect its FSP eligibility and benefit level.

1. All households shall be assigned a twelve (12) month certification period.

SHORTENING A CERTIFICATION PERIOD

There are only three basic instances when the State can shorten a certification period:

1. When the State received information which indicates the household is ineligible,

2. When a household is found eligible for Transitional Food Assistance (TFA) and the recertification month is pushed back to match the last month of TFA, or

3. When the household does not cooperate in clarifying its circumstances.

For #1 & #3 only, a contact letter must be sent giving ten (10) days to respond. If the household does not respond, or responds and ***refuses*** to provide information, a notice of adverse action is sent for termination.

**1. GENERAL RULE**

The right to participate ends with the last day of the certification period. The Department shall provide each household a notice of expiration by the beginning of the last full month of the certification period. Benefits shall not be continued beyond the certification period unless the Department determines the household is still eligible. For the Department to make a determination that the household is ineligible, or still eligible, the household must —

A. submit a signed renewal form on paper, electronically, or telephonically,

B. provide any necessary verifications; and

C. complete an interview with the following exceptions:

(1) The Department shall process all annual eligibility reviews without an interview until the earlier of March 31, 2023 unless—

(a) the household requests an interview,

(b) there is unclear information on the renewal form, or

(c) the household would be determined to be ineligible based on information provided on the renewal form.

(2) Households which have no earned income and in which all adult members are elderly and/or have disabilities will not be required to complete an interview at annual eligibility review unless —

(a) there is unclear information on the renewal form, or

(b) the household would be determined to be ineligible based on information provided on the renewal form.

The Department will conduct an interview if the household requests one.

**NOTE:** Advance notice of adverse action is not required when benefits change from one certification period to another.

**2. Timely Review**

A. The household is considered to have met the requirements of a timely review if they:

(1) file the renewal form by the 15th day of the last month of the certification period,

(2) complete an interview, if required, by the end of the certification period, and

(3) submit necessary verifications by the later of ten calendar days of the request or the end of the certification period.

B. If the household meets the requirements of a timely review, the Department shall determine eligibility and notify the household of the Department’s determination by the end of the household's current certification period. The Department shall allow eligible households to continue their normal issuance cycle in the month following the end of their current certification period.

C. If, due to the time allowed for submitting requested verification, the Department is unable to determine a household’s eligibility in time for an eligible household to participate in their normal issuance cycle, the Department shall allow any eligible household to participate within five working days after the household submits the missing verification.

**3. Untimely Review**

A. The household shall lose their right to uninterrupted benefits for failure to—

(1) file the renewal form by the 15th day of the last month of the certification period,

(2) complete a scheduled interview, if required, prior to the end of the certification period, or

(3) submit requested mandatory verifications by the later of ten calendar days of the request or the end of the certification period.

B. If the household loses their right to uninterrupted benefits due to such failures but is otherwise eligible after correcting such failures, the Department shall provide benefits within the later of—

(1) 30 days after the renewal form is filed,

(2) ten days of the date the required interview is completed, or

(3) ten days of the date the required verification is provided.

C. If the household does not file the renewal form until after the end of the previous certification period, the allotment to be issued for the initial month of the new certification period shall be prorated from the date the renewal form is received, per the process at Section 555-6(2)(B).

**4. Denials**

The Department shall process denials —

A. on the last day of the current certification period if continued eligibility cannot be determined prior to that date, or the household is ineligible and no interview could be completed,

B. within 30 days after the date the renewal form was filed untimely, if the household is ineligible and no interview could be completed, or

C. within ten days of determining the household is ineligible, if an interview has been completed and the household fails to provide requested mandatory verifications timely.

**5. Verification**

A. The household must provide verification of the following —

(1) income if the source has changed or the amount has changed by more than $50 per month,

(2) allowable medical expenses which were previously unreported or which have changed by more than $25 per month,

(3) the legal obligation to pay child support, including the obligated amount, and the amount paid,

(4) utility expenses when the household requests is not eligible for a utility allowance, and the amount has changed by more than $25 per month, and

(5) information which is contradictory to information known to or received by the Department including, but not limited to, factors affecting the composition of a household and instances where documentation appears to be outdated, inaccurate, or potentially falsified.

B. Acceptable verification is not limited to any single type of document. The Department may obtain verification from the household or other sources. Whenever documentation cannot be obtained, is contradictory to information known to or received by the Department, unclear, or insufficient to make a determination of eligibility or benefit level, the Department shall require collateral contacts.

**6. Notices**

A. Participating households which meet the "timely review" standards listed in 666-9(2) shall be mailed an adequate notice of the Department’s determination by the end of the household's current certification period.

B. Participating households which do not meet the “timely review” standards shall be mailed an adequate notice of the Department’s determination within 30 days after the date the renewal form was filed.

**GENERAL RULE** - Do not restore benefits more than twelve (12) months prior to the month the agency becomes aware of the underpayment or is notified of the reversal.

When an underpayment is identified, take action to restore benefits when:

- the underpayment was caused by the agency;

- a disqualification for intentional program violation is reversed, or special instructions state that a household is entitled to a restoration of lost benefits.

A household is entitled to restored benefits, even if it is not currently receiving FS.

Installments may be made to restore lost benefits. An accounting system for documenting entitlement to restored benefits and for recording the balance must be maintained.

A fair hearing may be requested when the client is dissatisfied.

In order to restore benefits determine the time period to be covered in the restoration.

1. Regardless of the time period of lost benefits, restoration cannot cover more than a twelve (12) month period. Restoration may be made:

- back to the date of application when erroneously denied.

- back to the first month that benefits were not received when benefits were erroneously terminated.

- for the months the household was underpaid.

The difference between what the household received and what it should have received equals the amount to be restored.

2. Establish eligibility for each month's benefit separately.

3. Subtract any amount owed the agency due to any previously established claim for overpayment, regardless of cause of overpayment.

4. If the household's membership has changed, restore the benefits to the household containing the majority of the household members at the time the error occurred. If this cannot be determined, restore benefits to the person who was the head of household at the time of the error.

**GENERAL RULE** - A household has an opportunity for a fair hearing when it disagrees with actions affecting its benefits. Any request for a fair hearing must be made within ninety days of the date of the action. The Department may waive time limits. Requests for hearings may be made orally or in writing at the Regional Office or at the Central Office. All decisions of fair hearing officials are binding on the Department.

**NOTE:** Clients who are dissatisfied with any action shall be given the opportunity to discuss their case with the immediate supervisor. The household shall be advised that this meeting with the supervisor is optional and will not delay or replace a fair hearing.

TIME LIMITS ON HEARINGS - The Department has sixty days from the date of the request for a hearing to hold the hearing, render the decision, and notify the household. Decisions will be implemented immediately.

The household can have the hearing postponed for up to thirty days. The time limit is extended accordingly.

**NOTE:** Hearing requests from households planning to move from the area within sixty days shall be processed faster than normal to enable a decision and possible restoration of benefits before they leave.

**DEPARTMENTAL RESPONSIBILITIES ON HEARING REQUESTS**

1) Provide without charge the specific Department documents requested by the client or his representative.

2) Provide a translator, if necessary.

3) Advise the household of legal services available.

**DENIAL/DISMISSAL** - The Administrative Hearings Unit shall not deny or dismiss a hearing request unless:

1) the request is not received within ninety days of the action.

2) the request is withdrawn.

3) the household or its representative fails to appear at the scheduled hearing, and does not present evidence that his absence was beyond his control.

**CONTINUATION OF BENEFITS** - If a household requests a hearing within twelve days of the notice, and the certification period has not expired, benefits shall be continued as authorized immediately prior to the notice unless the household waives continuation of benefits.

If the hearing request is not made within twelve days, benefits shall be reduced or terminated, as stated in the notice.

**NOTE:** If the Department is upheld, a claim against the household shall be established for all over-issuances which resulted from the continuation of benefits.

**CHANGING BENEFITS PENDING A HEARING DECISION -** Benefits shall not be changed prior to the hearing decision unless:

1) the certification period expires.

2) a subsequent change affects the household's benefits.

3) a mass change occurs, affecting the household's eligibility or benefit level.

**NOTIFICATION OF HEARING** - The time, date, and place of the hearing shall be arranged so that the hearing is accessible to the household. Written notice to all parties shall be provided at least ten days prior to the hearing. The notice shall:

1) give the time, date, and place of the hearing.

2) give the name, address, and telephone number of the person to notify if it is not possible for the household to attend.

3) specify that the Department will dismiss the request if the household or its representative fails to appear without good cause.

4) include the hearing procedures.

5) state that the household or its representative may examine the case file prior to the hearing.

**THE HEARINGS OFFICER** - Hearings shall be conducted by a Department hearing officer. The hearing officer shall:

1) administer oaths to all witnesses.

2) ensure that all relevant issues are considered.

3) request, receive, and make part of the record all necessary evidence.

4) regulate the hearing consistent with due process.

5) render a decision.

**ATTENDANCE AT THE HEARING** - The hearing shall be attended by at least one agency representative and at least one household representative.

**HOUSEHOLD'S RIGHTS**

1) The household shall be given an opportunity to examine all evidence at a reasonable time before the hearing, as well as at the hearing. The contents of the case file shall be made available.

**EXCEPTION:** Do not disclose the names of persons who have informed on the household and do not disclose the nature or status of any pending criminal prosecutions. Information that is protected from release cannot be presented at the hearing.

2) Present the case itself or have it presented by a legal counsel or other person.

3) Bring witnesses.

4) Advance arguments without undue interference.

5) Submit evidence to establish all pertinent facts and circumstances in the case.

6) Subpoena witnesses.

**THE HEARING DECISION** - The decisions of the Hearings Unit shall comply with the Federal law and regulations, and shall be based on the hearing record. The verbatim transcript or recording of testimony and exhibits, or an official report containing the substance of what transpired at the hearing, together with all papers and requests filed in the official proceeding, shall be retained for three years. This record shall also be available, upon request, to the household or its representative at any reasonable time for copying and inspection at no cost.

A decision by the Hearings Unit shall be binding on the Department and shall summarize the facts of the case, specify the reasons for the decision, and identify the pertinent Federal regulations. The decision shall become part of the record.

**GENERAL RULE** - Any suspected program violation shall be investigated. When there is sufficient documentary evidence to substantiate that the violation was intentional, initiate an administrative disqualification hearing, regardless of the current eligibility status of the individual. A second party, preferably the immediate supervisor, shall review the evidence prior to initiating a disqualification hearing.

Do not initiate any collection activity until a determination has been made as to whether or not an IPV has occurred.

**DEFINITION OF INTENTIONAL PROGRAM VIOLATION**

Federal rules at 7 CFR 273.16(c) state that an intentional program violation has been committed when:

1. A false or misleading statement has intentionally been made.

or

2. A household member has intentionally misrepresented, concealed, or withheld facts.

or

3. A household member has intentionally committed any act that constitutes a violation of the Food Stamp Act, the Food Stamp Program Regulations, the Food Supplement Program regulations or any state statute relating to the use, presentation, transfer, acquisition, receipt, trafficking (see FS 999-1 pages 5 and 6), or possession of the food supplement benefit.

The IPV determination can be made by a department hearing officer, a signed Waiver of Hearing, or a judge. The Eligibility Specialist may choose to begin the disqualification process with an interview, at which time the accused individual may choose to sign a Waiver of Hearing.

**NOTE**: While most Intentional Program Violations result in a monetary loss to the program, a household’s willful misrepresentation is sufficient grounds to pursue an IPV even when no overpayment of Food Supplement benefits occurred.

If it is determined that the violation does not meet the definition of a IPV, collection action shall be initiated as an unintentional or agency claim, as appropriate.

REFERRAL FOR CRIMINAL PROSECUTION

Individuals determined to have committed an IPV through the administrative disqualification process are automatically referred to the Fraud Investigation and Recovery Unit (FIRU) via the computer, when IPV overpayments are input into the computer system. FIRU staff consider these individuals for prosecution.

**NOTE**: Do not delay the FS disqualification penalty and collection action pending prosecution.

**ADMINISTRATIVE DISQUALIFICATION PROCEDURES**

Written notice to the person accused of the violation shall be mailed at least 45 days in advance of the scheduled hearing in order to assure that the notice is received 30 days prior to the hearing. The first notice shall be mailed "CERTIFIED/RETURN RECEIPT REQUESTED/RESTRICTED DELIVERY". The notice shall contain:

1) the date, time and place of the hearing.

2) the charges against the household member.

3) a summary of the evidence, and how and where it can be examined.

4) a warning that the decision will be based solely on information provided by the Food Supplement Program office if the household fails to appear at the hearing.

5) a statement that the household member or representative will have 10 days from the date of the scheduled hearing to present good cause for failure to appear in order to receive a new hearing.

6) a warning that a determination of intentional program violation will result in a 1 year disqualification for the 1st violation (six months if the alleged IPV offense occurred before 8/22/96), 2 year disqualification for the 2nd violation (one year if the alleged IPV offense occurred before 8/22/96), and permanent disqualification for the 3rd violation and a statement of which penalty is applicable to the case scheduled for a hearing.

**NOTE**: To determine the approximate disqualification period, the Disqualified Recipient Subsystem (DRS) must be checked for prior IPV(s) in other states. If it is discovered that an IPV occurred in another state, independent verification of the IPV must be obtained and notice provided to the applicable household member before the DRS information can be used in determining an appropriate disqualification period for any subsequent IPV. A recipient has the right to request a fair hearing if the recipient disagrees with the length of the disqualification that DRS indicates was imposed by a State. However, the fair hearing cannot reverse a determination established at a previous administrative disqualification hearing that the recipient has committed an Intentional Program Violation.

A copy of the hearings procedures and the opportunity to waive the right to the hearing shall also be provided.

The person is entitled to one postponement, provided it is requested at least 10 days prior to the scheduled date. The postponement shall be for no more than 30 days. Requests for postponements within 10 days of the scheduled date may be granted, provided both the local office and the accused agree in writing.

If the notice is returned marked "undelivered" or accepted by someone other than the addressee, personal service shall be arranged by any other method which provides proof of receipt at least 30

days prior to the hearing. It will be necessary to reschedule the hearing, allowing another 45 days. Hearings will be scheduled and arranged by the local office, and will be held on Mondays and Fridays. Copies of all notices and waivers will be sent to the Hearings Unit. When the accused replies that he wants a hearing, the Hearings Unit shall be notified of the time and place.

If the notice is returned marked "refused", it shall be assumed that the addressee received notice.

Should the client fail to appear at the hearing, and the notice was received at least 30 days prior to the hearing date, the hearing shall still be conducted. The hearing officer will base his decision on the evidence presented by the Department.

**TIME LIMITS** - The Department has ninety days from the date the hearing notice is received to hold the hearing, render the decision, and notify the household.

**PARTICIPATION PENDING A HEARING** - Continued eligibility and benefit level shall be determined, as for any other household.

**CRITERIA FOR DETERMINING INTENTIONAL PROGRAM VIOLATION** - The hearing officer shall base the determination on clear and convincing evidence which demonstrates that the household member committed, and intended to commit, an intentional program violation as defined at 7 CFR 273.16 (c) and page 1 of this section of the Maine Food Supplement Manual.

**DISQUALIFICATION PENALTIES** - The disqualification applies to the individual who was determined to have committed an intentional program violation. The disqualification period will begin with the first month which follows the date the household member is sent written notification of the disqualification that results from the hearing decision. The disqualification periods are as follows:

1) first violation - 1 year (6 months if the alleged IPV offense occurred before 8/22/96);

2) second violation - 2 years (one year if the alleged IPV offense occurred before 8/22/96);

3) third violation - forever.

Certain intentional program violations carry more severe penalties. Those violations and their disqualification periods are as follows:

1) a first finding by a court that the recipient used Food Supplement benefits or FS EBT card in exchange for controlled substances - 2 years;

2) a second finding by a court that the recipient used Food Supplement benefits of FS EBT card in exchange for controlled substances - forever.

3) a first finding by a court that the recipient has used Food Supplement benefits or FS EBT card in exchange for firearms, ammunition, or explosives - forever.

4) conviction of the individual for trafficking (see FS 999-1 pages 5 and 6) Food Supplement benefits or FS EBT of $500 or more - forever.

5) a finding by a hearing officer or court that a fraudulent representation was made by an individual with respect to his/her identity or place of residence in order to receive multiple (simultaneous) Food Supplement benefits - 10 years.

See FS 444-4 for treatment of income and assets of disqualified individuals.

**NOTE**: All disqualifications for violations committed prior to May 1, 1983, will be counted as a single violation for purposes of determining penalties.

**NOTIFICATION OF DECISIONS** - When the household member is determined to have committed an IPV, a written notice shall be provided prior to the disqualification. It shall note the date the disqualification begins and ends. Advance notice is not required. See FS 777-3 for collection action.

**DISQUALIFIED RECIPIENT SUBSYSTEM (DRS)**

DRS is a centralized national database which contains information on IPV disqualifications from all of the states. Updates are received by the national database and matched with Maine's Food Supplement Program caseload on a monthly basis. When a match occurs, the originating state must be contacted for independent verification of the IPV disqualification information. This information must be used to determine if a recipient should be serving a disqualification period imposed by another state and to determine the proper disqualification penalty for an individual found or suspected to have committed an IPV. The originating state should be asked whether the IPV disqualification is under appeal and requested to inform you if the IPV disqualification is reversed. If an IPV disqualification is reversed, the individual must be reinstated if the household is eligible and benefits lost as a result of the disqualification must be restored.

A recipient has the right to request a fair hearing if the recipient disagrees with the length of the disqualification that DRS indicates was imposed by a State. However, the fair hearing cannot reverse a determination established at a previous administrative disqualification hearing that the recipient has committed an Intentional Program Violation.

Once a disqualification period has been imposed against a currently participating member, the disqualification period continues uninterrupted until completed. The household would be subject to a claim for any benefits overissued as a result of the disqualified individual's participation during the period of disqualification.

1. **COOPERATION IN THE CLAIM ESTABLISHMENT PROCESS:**

A household shall be determined *ineligible* if it *refuses*, without good cause, to cooperate in any reviews generated by reported changes and recertifications. The household shall be ineligible until it cooperates with the Department.

All subsequent applications or redeterminations shall result in ineligibility for all households that include a member who was an adult member of a household which was determined ineligible as a result of a *refusal* to cooperate. Good cause provisions apply (e.g. adults separated due to domestic violence, adult child who cannot get a parent’s income verification, etc.)

**NOTE:** Refer to FS 222-1, FS 222-5, pp. 2-4 for further guidance.

1. **GENERAL RULE:**

A claim may be established against any household that has received more benefits than entitled. There are three classifications of claims:

A. **Agency** - An overpayment which was the result of a Departmental mistake, or failure to act in a timely manner.

B. **Intentional** - An overpayment which was the result of a household member intentionally violating a program regulation. This determination must be made by a hearing officer, a court, or a Waiver of Hearing signed by the member.

**NOTE:** A guilty verdict or a plea of guilty to a criminal charge based on the same conduct that satisfies the criteria for an intentional violation shall suffice to establish such a violation administratively. The amount of the overpayment and corresponding amount due to the Department shall be the amount specified in the letter of debt to the household, irrespective of any Court order of restitution.

C. **Inadvertent Household** - An overpayment which was the result of a misunderstanding on the part of the household.

**NOTE**: When determining the amount of the claim for claims established after 10/31/96, do not apply the earned income deduction to that portion of earned income which the household intentionally failed to report; or, which the household failed to report in a timely manner.

**NOTE**: The Department shall not establish an overpayment when:

1. The Department failed to ensure that a household fulfilled the following procedural requirements:
2. Sign the application form.
3. Complete a work referral form.
4. A household was not required to report a change which results in reduced benefits or ineligibility for benefits.
5. The overpayment is caused by agency error or inadvertent household error, has a dollar value of $500 or less, and the household is not participating when the over issuance is calculated.
6. The overpayment is caused by agency error or inadvertent household error, has a dollar value of $200 or less, and the household is participating when the over issuance is calculated.

**EXCEPTION:** All overpayments resulting from either a Quality Control review or trafficking must be established regardless of the amount or cause. (See definition of trafficking at FS 999-1, pp. 5-6.)

**NOTE:** In situations where there are overpayments for both State funded benefits and Federally funded benefits, the overpayment attributable to the Federally funded benefits will be collected first.

1. **FAIR HEARING REQUESTS:**

If a household requests a fair hearing due to an initial demand notice, collection activity is to stop pending the fair hearing decision.

If a hearing officer decides that an overpayment exists against the household, the household must be re-notified of the overpayment and they will not have hearing rights on the same issue.

If the amount of an overpayment was not determined prior to, or with the fair hearing decision, the claimant shall have the right to request a fair hearing on the amount of the overpayment as stated in the re-notification.

1. **TIME LIMITS ON DETERMINING CLAIMS:**

The Department may determine claims for overpayments for past months, the current month, or months that will be overpaid due to time limits on adverse action. The required time frame is determined by the type of claim.

1. **Agency** - As far back as 12 calendar months from the month the overpayment was discovered and forward until the benefit amount can be corrected.

B. **Intentional** - As far back as 72 calendar months from the month the overpayment was discovered and forward until the benefit amount can be corrected.

C. **Inadvertent Household** - As far back as 24 calendar months from the month the overpayment was discovered and forward until the benefit amount can be corrected.

1. **PROMPT RECOVERY OF CLAIMS:**

Prompt recovery is required. The Department must initiate action to locate and/or recover the overpayment from a current or former recipient by the end of the quarter following the quarter in which the overpayment is first identified. The required action is determined by the type of claim:

A. For agency error and inadvertent household error claims, the demand letter must be sent.

1. For intentional program violation claims, the letter scheduling the intentional program violation hearing must be sent.
2. **COLLECTION PROCEDURES:**

A. The Department will determine what the benefit would have been had the household or the Department acted correctly; then, adjust the overpayment by reducing any restored benefits due the household.

**NOTE:** The calculation must include a separate amount due if the household contains a member who was eighteen years old during only part of the overpayment period. This separation is for collection purposes only.

B. The Department will enter the total claim into the computer system of record.

**NOTE:** When calculating an overpayment as the result of trafficking, the overpayment will equal the amount of Food Supplement Program benefits involved in the trafficking.

1. The Department will reduce ongoing benefits to recoup the balance of the claim. Unless a higher rate is requested by the household, the following rates shall apply:

(1) For inadvertent household or agency error claims, the reduction amount shall be the greater of ten percent of the monthly benefit, or ten dollars.

(2) For intentional claims, the reduction amount shall be the greater of 20% of the monthly benefit, or $20.00.

1. An appropriate computer generated repayment notice shall be sent. The Department shall make a personal contact with the household, as appropriate.
2. Cases with an outstanding claim that are not currently receiving benefits equal to or in excess of the minimum reduction amount shall be referred to The Benefit Recovery Unit (BRU).
3. **ADJUSTMENTS TO THE RECOUPMENT AMOUNT:**

A possible compromise of an overpayment shall be assessed and applied when the overpayment is calculated, if eligible. To qualify for compromise of an overpayment, two requirements must be met. If either of these is not met the household will not be eligible for a compromise. The requirements are:

1. An overpayment will be compromised only when caused by agency or inadvertent household error; and
2. An overpayment will be compromised only if it is determined that, as of the month of calculation, the household is not now and is not expected to be able to pay back the overpayment within three years (36 months), using the standards set forth below.
3. The following process will be used to determine eligibility for a compromise. The Department shall—
4. Confirm the status of the overpayment as caused by agency or inadvertent household error.
5. Determine the ability to repay the current overpayment balance within 36 months, as follows:

(i) If the household is receiving Food Supplement (FS) benefits:

a) Use the current FS budget as defined in Section FS 555-6 to determine the current benefit amount.

1. Assess which monthly recoupment amount (ten percent of the benefit or ten dollars), is greater.
2. Determine the total recoupment for a 36-month period, by multiplying the greater figure (ten percent or ten dollars) by 36 months.

If the total recoupment for a 36-month period is equal to or greater than the current overpayment balance, there is no potential for a compromise as the overpayment can be paid back in 36 months.

If the total recoupment for a 36-month period is less than the current overpayment balance, the current balance of the overpayment will be reduced to the total recoupment for a 36-month period effective for the month following the month of the compromise calculation.

1. If the household is NOT receiving FS benefits:
2. Use the FS budget calculation as defined in Section FS 555-6 to determine the Net Food Supplement Income (NFSI) amount.

**Exception:** Use of medical expenses greater than $35 per month will not be limited to elderly and disabled individuals.

1. Assess which monthly recoupment amount (three percent of the NFSI or ten dollars) is greater.
2. Determine the total recoupment for a 36-month period by multiplying the greater figure (three percent or ten dollars) by 36 months.

If the total recoupment for a 36-month period is equal to or greater than the current overpayment balance, there is no potential for a compromise, as the overpayment can be paid back in 36 months.

If the total recoupment for a 36-month period is less than the current overpayment balance, the current balance of the overpayment will be reduced to the total recoupment for a 36-month period effective for the month following the month of the compromise calculation.

**NOTES:**

1. If a household does not qualify for a compromise at the time the overpayment is established they can request a compromise at any time if their circumstances have changed.
2. A compromise of an overpayment will not be retroactively applied to any period of repayment (on the same overpayment) prior to the month following the month of the compromise calculation.
3. The calculation to determine possible compromise of an overpayment will be specific to that overpayment. The assessment to determine benefit and NFSI amounts will not factor in any obligation to pay other outstanding Food Supplement overpayments that may exist for the same household.
4. A compromise of an overpayment will only be applied one time to a specific overpayment. This stipulation in no way limits a recipient from requesting a compromise on another overpayment in the future.
5. **SUSPENSION OF COLLECTION ACTIVITIES:**

Collection attempts on an inadvertent household claim involving a closed case may be suspended after one demand letter and filed for future reference.

Collection attempts on any agency claim may be suspended after one demand letter and filed for future reference.

BRU may suspend collection attempts on a referred intentional claim involving a closed case after three attempts. When it does, the originating office shall be notified, and the claim shall be filed for future reference.

1. **TIME LIMITS ON COLLECTION ACTIVITIES:**

Outstanding claims may be terminated by BRU after 36 consecutive months with no collection activity. Outstanding balances on terminated claims regardless of the classification, shall be offset before restoration of lost benefits.

A claim shall be closed when it has been paid in full.

1. **RECOVERY METHODS AND PROCEDURES:**

Households are encouraged to repay any claim by a lump sum cash payment. The household is not, however, expected to liquidate all of their resources.

If the household is not able to pay the entire amount at one time, it is encouraged to repay through installment payments or allotment reduction. FS may be used as full or partial payment of any installment.

**NOTE**: Cash repayments shall be made by check or money order payable to Treasurer, Stateof Maine.

If the household misses a scheduled installment, a notice shall be sent. Renegotiation can be done at any time.

**NOTE:** Collection action shall be initiated against any or all of the adult members of a household at the time an overpayment occurred. Food Supplement Program recipients responsible for repayment of overpayments are those members of the household at least 18 years of age. A person who attains the age of 18 during the overpaid period is responsible for that portion of the overpayment amount occurring after the attainment of age 18. If a change in household composition occurs, collection action may be pursued against any household which has a member who was an adult member of the household that received the over-issuance. The amount of the initial claim may also be offset against restored benefits owed to the household which contains such a member.

**1. GENERAL RULE**

SNAP benefits reported as not issued to the individual’s EBT Account are replaced only if the error is reported in the period of intended use. The period of intended use of regular monthly allotments is the month of issuance and the next 11 months.

**2. PROCEDURES FOR REPLACING BENEFITS USED TO PURCHASE FOOD THAT WAS DESTROYED**

Benefits used to purchase food can only be replaced when the food has been destroyed due to a household misfortune, such as but not limited to fire or flood, or special disaster declaration by the Secretary of Agriculture. The household must report the loss within ten days of the destruction.

A. The household must complete the SNAP Loss and Replacement Request form within 10 days of the initial report of the loss.

B. The disaster must be verified and documented.

C. The Department shall issue a replacement allotment not to exceed the lesser of the value of the food destroyed or one month's benefit within ten days of receiving the form and the verification.

**3. PROCEDURES FOR REPLACING BENEFITS STOLEN ELECTRONICALLY**

Benefits used unlawfully for non-household members can only be replaced when the benefits were accessed to perpetrate card skimming, card cloning, phishing or other electronic acquisition of the EBT card number and PIN.

* 1. The household must submit an Electronically Stolen Benefits Application (ESBA) timely.
     1. Claims for benefits stolen electronically on or after October 9, 2023, are timely if they are received within 30 days of the benefits being used.
     2. Claims for benefits stolen on or after October 1, 2022 but before October 9, 2023, are timely if received by November 8, 2023.
     3. Benefits stolen before October 1, 2022, are not eligible for replacement.
  2. The completed ESBA shall include:
     1. the following information about the claimant
        1. their first and last name,

(b) their ACES ID# (or if the claim is being made by an authorized representative, the ACES ID# of the individual they are representing),

(c) another unique identifier, either

* + - * 1. the last four digits of their social security number or
        2. their USCIS #,

(d) their address, and

(e) their telephone number;

* + 1. The following information about the theft of benefits (food purchase)
       1. the date of the theft,
       2. the amount of the theft,
       3. the location of the theft, and
       4. the location of the EBT Card at the time of the theft;
    2. the current location of the EBT Card; and
    3. to the best of the claimant's ability a narrative description of how the card number and PIN were acquired by the thief.
  1. ESBAs can be submitted in person at any Office for Family Independence office, by mail, by e-mail, or by uploading them to the Office’s online portal.
  2. The Department shall process all ESBAs and issue a written determination (consistent with section 777-5) and replacement benefits, if applicable, within ten days of receipt of the Application.
     1. The Department shall use readily available data and other sources of information that will not delay the determination. Claim validation is solely at the discretion of the Department.
     2. The household may request a hearing on the decision consistent with Section 777-1. The Department’s decision stands unless and until overturned by the hearings officer.
  3. The Department shall investigate all reports of fraudulent EBT usage even if the report is not eligible for replacement.
  4. Replacement benefits cannot exceed the lesser of the amount stolen or the total amount issued in the two months preceding the theft.

G. No household may receive replacement of stolen benefits more than two times in any federal fiscal year.

**GENERAL RULE** - Whenever the agency takes an action affecting the household's eligibility or benefits, an adequate notice shall be provided (FS 999-1).

**EXCEPTION:** No notice is required when the entire household dies or moves out of State.

**NOTE:** The Department will use the same procedure when mailing documents or an EBT card to the designated address of a participant in the Address Confidentiality Program (ACP). The administrators of the Address Confidentiality Program will then forward the mail to the ACP participant. Therefore, the ACP participant will experience delays in receiving mail.

**APPLICATION NOTICES** - Applicant households shall be mailed an adequate notice of the agency's action within thirty days of the application date. The notice shall contain the following:

1. The amount of benefits, including any retroactive payment and the period covered;

2. length of certification.

**REDETERMINATION NOTICES** - Participating households which meet the "timely redetermination" time standards listed at FS 666-9 shall be mailed an adequate notice of the agency action by the end of the household's current certification period.

Participating households which do not meet the timely redetermination time standards shall be mailed an adequate notice of agency action within 30 days after the date the redetermination form was filed.

**ADVANCE NOTICE RESULTING FROM REPORTED CHANGES AND COMPUTER MATCHES OTHER THAN BEERS or IRS** - When a change results in a decrease, closure, or suspension, the household shall be mailed an adequate notice at least twelve days in advance of the effective date of the action.

**EXCEPTIONS:** Advance notice is not required for the following instances:

- the household's address is unknown and mail directed to it has been returned by the post office indicating no known forwarding address, and there has been an attempt to contact the household by phone. If household contacts the Department within 30 days of closure date, benefits can be reinstated.

- a mass change which is not based upon a computer to computer match with Federal records;

- the decrease or closure is solely due to written information provided and signed by a responsible member of the household which includes a request that the action take effect immediately;

- the household voluntarily requests, in writing or verbally to a case worker, that its participation be terminated. If the request is verbal, the caseworker shall send the household a letter confirming the voluntary withdrawal.

- mandatory allotment reduction;

- the household has been receiving restored benefits in installments and the restoration has been completed;

- the decrease or closure is the result of a disqualification for an intentional program violation.

**NOTE**: Adequate notice of the agency action shall be mailed at least five (5) days prior to the normal issuance date.

**ADVANCE NOTICE RESULTING FROM COMPUTER TO COMPUTER MATCHES WITH BEERS or IRS RECORDS** When an adverse action is the result of a computer to computer match involving automated BEERS or IRS records, the household shall be mailed an adequate notice at least 30 days in advance of the effective date of the action.

**OTHER CHANGE NOTICES** When a reported change results in an increase or the benefit remains the same, the household will be mailed an adequate notice at least five days prior to the normal issuance date.

**GENERAL RULE** - All complaints regarding processing standards and service to program participants, potential participants, or interested individuals or groups shall be directed to the appropriate TANF or PaS/FS Unit Supervisor. The complainant shall be provided a written response within 15 days and a copy shall be forwarded to the Regional Manager. The response shall specify the action taken and that the complainant can further appeal to the Regional Manager. Appeals to the Regional Manager shall be processed and notification made to the complainant within 10 days of the appeal. The notice shall advise that if the complainant is still dissatisfied that he/she can appeal to the Deputy Director, Office for Family Independence for final resolution. A final disposition will be made and the complainant notified within 10 days of the final appeal.

Information about the program complaint system and how to file a complaint shall be made available through pamphlets available at each regional office. Program complaints received through the statewide Food Supplement Program information hot-line will be referred to the appropriate TANF or PaS/Food Supplement Program Unit Supervisor.

**EXCEPTION:**

1. Complaints about discrimination on the basis of race, sex, age, religious creed, national origin, political beliefs, or handicaps shall be handled as outlined in FS 1 of the Maine Food Supplement Program Manual.

2. Disagreements with agency actions affecting benefits shall be handled through the Fair Hearings process set forth in FS 777-1.

3. Allegations of misconduct or other complaints against an individual employee shall be processed in accord with Article 12 of the Collective Bargaining Contract in effect at the time of the complaint.

Each Regional Manager shall maintain a file or files containing sufficient data to show the disposition of each complaint. Information on each complaint shall be retained for a period of 3 years from the date of the end of the federal fiscal year in which the complaint was filed.

**1. GENERAL RULE**

SNAP recipients receive benefits via an Electronic Benefit Transfer (EBT) card known as The Pine Tree Card. The United States Department of Agriculture (USDA) authorized retailer may have a manual voucher system to access the recipients’ benefits. The card is used to access benefits from point of sales (POS) devices or online purchasing systems at USDA authorized retailers.

**2. Basic Rules**

A. Each Assistance Group case head is issued an EBT card to access SNAP benefits. If separate Assistance Groups have the same case head, only one card is issued.

B. Each Assistance Group is allowed a maximum of two payees to access SNAP benefits.

C. The EBT SNAP account is non-interest bearing.

D. An EBT SNAP account balance that is not used by the recipient in the month of issuance is carried forward.

E. EBT SNAP account balances include both dollars and cents.

F. A recipient cannot use the EBT SNAP account to borrow against future month’s benefits.

G. Monthly benefits are issued during a five day period each month. Recipient’s benefits (excluding supplements) are available on the same date each month once they are on the delivery cycle.

**3. EBT Card and PIN**

SNAP benefit recipients are issued an EBT card along with written instructions for establishing a Personal Identification Number (PIN). Each card holder selects their own PIN to prevent unauthorized individuals from gaining access to benefits if the card is lost or stolen. The PIN is their electronic signature.

Card holders can make purchases from participating retailers by having their card swiped through a POS device or by providing required information for an online purchase. The POS device or online system “reads” a recipient’s benefit account balance and, if funds are sufficient, approves the transaction and reduces that balance by the exact amount of purchase.

Some retailers, such as some small grocery stores and farmers markets, and Meals on Wheels participants, use a manual voucher system to access SNAP benefits. Recipients sign vouchers instead of using their PIN.

**4. Recipients Account Balance**

Each time a SNAP recipient makes a purchase, their available SNAP balance appears on their receipt.

Recipients can also obtain their SNAP balance by calling a 24-hour toll free Customer Service Line before shopping. The toll free number is printed on the back of the EBT Card.

**5. EBT Recipient User Fees**

SNAP recipients do not incur user fees.

**6. Aging SNAP Benefits**

The Department shall expunge unused SNAP benefits 365 days from the date they are issued or the last date some are spent, whichever is later. Starting September 1, 2022, the Department shall expunge unused SNAP benefits 274 days from the date they are issued or the last date some are spent, whichever is later. The Department shall provide a notice to the recipient Assistance Group at least 30 days prior to their benefits being expunged. This notice explains that those benefits will be expunged if no benefits have been used prior to the scheduled expungement date.

**7. Entire Household Deceased**

If the Department has verified that all household members are deceased, it shall—

A. immediately disable access to the SNAP benefits, and

B. expunge all remaining SNAP benefits within ten business days of verification, without notice.

**8. Lost, Stolen or Damaged EBT Card**

Card holders can report lost, stolen or damaged cards to the EBT Customer Service Help Desk by calling the toll free number, 1-800-477-7428.

EBT Help Desk Staff status the card as lost, stolen, or damaged.

After the EBT Help Desk Staff appropriately identifies the household member or card holder, a replacement, not deemed excessive as defined below in Paragraph 9(A), is issued as follows:

A. If the individual lives at the same address known to the eligibility database used by the Office for Family Independence (OFI), the help desk authorizes the replacement card, which will be mailed out within three business days following notice by the household that the card has been lost, stolen, or damaged.

The card holder can continue to use the same PIN, or may change the PIN by using the same toll free EBT Help Desk number, or visiting a local OFI office.

B. If the individual’s address changed, the EBT Help Desk does not authorize a card replacement. The caller is told to contact OFI to report the new circumstances. After the individual’s case record is updated, they may follow procedures explained above in Paragraph 8(A).

**9. Multiple Card Replacements**

**A. Thresholds for Excessive Requests**

Effective April 23, 2020, a fourth request for a replacement card for an Assistance Group within a 12 month period is considered excessive. (See 7 C.F.R. § 274.6(b)(5).)

**B. Management of Excessive Requests**

(1) Upon reaching the fourth (or more) request for a replacement card, the household is sent a Withhold Replacement Card Warning Notice stating that they have reached the threshold of four or more replacement cards, and that the next request for a card replacement will require contact with OFI to provide an explanation before the replacement card will be issued.

(2) Once the threshold has been exceeded (at the fifth replacement request), the EBT vendor notifies the household in writing thatthe threshold has been exceeded and that OFI is denying the card replacement until the household contacts OFI to provide an explanation for the replacement requests.

(a) If the household makes contact, the EBT vendor shall put the EBT card in the mail within three business days following the household contact with OFI, regardless of whether an explanation was provided. If an explanation is not provided the household is referred to the Fraud Investigation and Recovery Unity (FIRU) for investigation.

(b) If the household provides an explanation which OFI deems appropriate, OFI educates them on the proper use of the card and does not require contact upon subsequent requests, unless the pattern of card activity has changed since the initial contact and indicates possible trafficking activity. In all cases, OFI acts to protect households containing members who— are experiencing homelessness, are elderly, have disabilities, or are victims of crimes and other vulnerable persons who may lose EBT cards but are not committing fraud.

(c) If the household does not contact OFI in response to OFI’s notice, OFI does not issue a replacement card to the household and the household is referred to FIRU for investigation.

(d) If the household contacts OFI but does not explain the card losses or the explanation provided appears to be indicative of trafficking (see Section 999-1 pages 5 and 6), OFI refers the household to FIRU for investigation. OFI shall issue a replacement card to any household that makes the required contact so that the household has access to benefits in their EBT account while the investigation is underway and while awaiting a hearing (7 C.F.R. § 273.16(e)(5)). If an intentional program violation is found after investigation by FIRU, established disqualification procedures are followed in accordance with Section 777-2.

(3) The same process outlined in Paragraph 9(2)(d) is initiated prior to the threshold for excessive requests being reached if OFI has additional evidence indicating a suspected trafficking violation. (See Section 999-1 pages 5 and 6.)

**GENERAL RULE** - Federal regulations require that each state maintain and use an income and eligibility verification system (IEVS). Wage and benefit information shall be requested as follows:

1. Wage information maintained by the Maine Employment Security Commission (MESC)

2. Information about net earnings from self-employment, wages, and payments of retirement income maintained by the Social Security Administration (SSA) - "BEERS"

3. Federal retirements and survivors, disability, SSI, and related benefit information available from SSA - "BENDEX" and "SDX"

4. Unearned income information from the Internal Revenue Service (IRS)

5. UIB claim information from MESC.

6. Prisoner Verification System

7. Deceased Matching System (SSA Death Master File)

**NOTE**: Requests for the aforementioned information shall be made through computer-to-computer techniques. Insofar as practicable, the data will be edited to delete nonessential information being forwarded to regional eligibility staff.

**GENERAL RULE** - The information noted in FS 888-1 shall be requested from the appropriate agencies about members of all applicant households during the first week of the month following the month in which the application is filed. Information about members of applicant households who cannot provide SSN's at application shall be requested in the month following the month in which the SSN is received.

Information received within the thirty-day application period shall be used to determine eligibility and benefits if it is received for an applicant household which is still pending.

**NOTE**: Eligibility and benefit determinations shall not be delayed pending receipt of IEVS information.

Information received about applicant households which have already been opened shall be treated the same as information on recipient households (FS 888-4).

**GENERAL RULE** - The information noted in FS 888-1 shall be requested from the appropriate agencies about members of recipient households as follows:

1. Quarterly, from MESC on wages. Such requests shall include all households which participated in any month of the corresponding quarter.

2. Monthly, from SSA data bases and not later than the second month of the certification period when the requests at application did not establish automatic reporting of changes in SSA data.

3. Annually, from IRS for all current recipients. This request shall be made as soon as practicable after the latest year's data is available from IRS.

4. Weekly, from MESC on UIB benefits for all participating households.

**GENERAL RULE** - Case action on IEVS information about recipient households must be complete within 45 days of receipt of that information.

**NOTE**: The 45-day time limit means, in effect, that the Regional Office has thirty days to complete case action, since it will take about two weeks for the Central Office to edit, print, and distribute written instructions to the regions.

Case action includes:

1. review of the information, and comparison of it, to information in the case record.

2. for all **new** or previously unverified information received, contact with the household and/or the appropriate assets or income source to resolve discrepancies (FS 888-5).

3. when discrepancies warrant, action to **begin reduction of benefits or termination of eligibility** (advance notice sent).

Appropriate case action and dates shall be noted on the IEVS document and filed in the case record with the exception of documents containing IRS information. All documents generated from IRS source data shall be destroyed once case action is completed. A master file of IRS documents will be maintained at Quality Control. BEERS data contains IRS information and is subject to the same security.

When the case actions substantiate an over-issuance, appropriate actions to initiate claims and/or disqualification proceedings shall be taken. (REMEMBER: Adverse actions based on Federal matches require 30 day advance notice.)

**NOTE**: The 45-day time limit does not apply to claims and disqualification actions.

**ACTIONS BASED ON MESC MATCHES**

When any adverse action is called for and is based upon information from an MESC match, the household shall be sent a written notice at least 12 days prior to taking such adverse action.

The notice shall advise the household that the Department has received information which indicates the need for adverse action and that it has 12 days to contest the decision. The notice shall state that, unless the Department is notified otherwise within 12 days by the household, it will assume that the data provided by the match or obtained through independent verification is correct and the adverse action will be taken.

**ACTION BASED ON FEDERAL RECORD MATCHES**

When any adverse action is called for and is based upon information from BEERS or IRS matches the household shall be sent a written notice at least 30 days prior to taking such adverse action.

**GENERAL RULE** - Action shall be taken without independent verification based on information obtained through IEVS which is considered **verified upon receipt**. Such verified information is Social Security and SSI benefit information from SSA and UIB information from the Maine Employment Security Commission.

**EXCEPTION**: When it appears that the IEVS information about a particular household is questionable, the information shall be considered unverified and must be independently verified.

Prior to taking action to terminate, deny, or reduce benefits based on IEVS information which is considered **unverified upon receipt**, the information shall be independently verified. Such unverified information is:

1. Unearned income information from IRS.

2. Wage information from the Maine Department of Labor and SSA (BEERS).

3. Prisoner Verification System

4. Deceased Matching System (SSA Death Master File)

5. Questionable information as noted above.

Verification of unverified information shall be obtained by means of contacting the household and/or the appropriate asset or income source.

If the household is contacted it must be in writing. The household must be informed of the information the Department has received, and be requested to respond within 10 days. If the household fails to respond in a timely manner, an appropriate notice of adverse action shall be sent.

The appropriate source may be contacted by the means best suited to the situation.

When the household or appropriate source provides the independent verification the household shall be properly notified of the action to be taken.

When all other sources of income verification are unavailable the amount to be used shall be mutually agreed upon by the client and agency.

Once terminated or denied for failure to respond or refusal to cooperate, the household shall not be determined eligible until it cooperates in the completion of the IEVS review in question.

A.

**ADEQUATE NOTICE:** Written notice that includes the action the Department intends to take, the reason for the action, the right to request a fair hearing, the person to contact for additional information, the availability of continued benefits and liability for such benefits if found ineligible in hearing decision, and the availability of free legal services.

**ADVANCE NOTICE:** An adequate notice mailed at least 12 days prior to the effective date of the action except when the action is the result of a computer-to-computer match with BEERS or IRS records. In the latter instance, the notice must be mailed at least 30 days prior to the effective date of the action.

**ADVERSE ACTION:** Determination to close, suspend or reduce benefits.

**ALIEN:** An alien is a person who is not a U.S. citizen.

**APPLICANT:** The individual for whom benefits are requested. (Also see Head of Household.)

**APPLICANT HOUSEHOLD:** A household which has not participated for at least one full calendar month.

**ASSETS, LIQUID:** Anything owned in the form of cash or readily convertible to cash.

**ASSETS, NON-LIQUID:** Anything owned not readily convertible to cash.

**ASSISTANCE GROUP (AG):** Members of a Household (Section 111-1) receiving the same SNAP benefit type or included in the calculation there-of.

**AUTHORIZED REPRESENTATIVE:** A non-household member who is authorized, in writing by the household, to make an application, receive the monthly benefits or purchase food with the SNAP benefits for the household.

**AUTHORIZED TO RECEIVE:** An individual has been determined eligible for benefits and has been notified of this determination, even if the benefits have been authorized but not received, authorized but not accessed, suspended or recouped, or not paid because they are less than a minimum amount.

B.

**BENEFIT:** Total amount of SNAP allotment a household is authorized to receive.

**BOARDER:** An individual to whom a household furnishes meals and/or lodging for compensation.

C.

**CARD CLONING:** The creation and use of a fraudulent EBT card to unlawfully access benefits from SNAP households’ account.

**CARD SKIMMING:** Card skimming is when devices are illegally installed on ATMs or point-of-sale (POS) terminals to capture card data or record SNAP households’ PINs. Card Skimming may also include fraudulent phone calls or text messaging that mimic official state agency messaging and phishing.

**CENTERS FOR THE TREATMENT OF SUBSTANCE USE DISORDERS:** Centers, approved by the State, for the treatment of these disorders.

**CERTIFICATION PERIOD:** Length of time for which eligibility is established.

**COLLATERAL CONTACTS:** A non-household member who provides information about the household's circumstances.

**CORRECTIONAL FACILITY:** Any facility that falls under the jurisdiction of the Department of Corrections (DOC) for the purpose of detaining (for 24 hours or more) and/or rehabilitating individuals convicted of a crime or awaiting trial, including those licensed and overseen by DOC, but operated by a county or other entity.

D.

**DATE OF APPLICATION:**

1. Unless otherwise specified below in 2 and 3, the date of application is the day an application containing the applicant's name and address, signed by either a responsible household member or an authorized representative, is received by the Department or the date the Department receives the telephonic signature.

2. For a resident of a public institution jointly applying for SSI and SNAP benefits prior to leaving the institution, the date of application is the date of release from the institution.

3. For a Maine resident in a state or county correctional facility within Maine, applying for SNAP within 30 days prior to their anticipated release date, and not joining an existing SNAP Household (Section 111-1) upon release, the date of application is the date of release from the facility.

**DEPENDENT:** A person who relies on another for support and/or care.

**DISABLED:** (See Individual with a Disability)

**DOCUMENTATION:** Information, in writing or electronic media, which substantiates the individual’s assertion or Department’s eligibility decision.

**DRUG OR ALCOHOL TREATMENT CENTERS:** See centers for the treatment of substance use disorders.

**DUPLICATE PARTICIPATION:** Receiving SNAP benefits in more than one household during the same month.

E.

**ELDERLY:** Being at least 60 years old.

**ELDERLY OR DISABLED:** A person who meets either the definition of Elderly or an Individual with a Disability.

**ELECTRONIC BENEFIT TRANSFER (EBT) CARD:** A debit card used by the SNAP benefit recipient to access benefits.

**ELIGIBILITY REVIEW:** Periodic redetermination of eligibility or ineligibility and benefit level.

**EXPEDITED SERVICE:** Processing an application in such time as to assure access to the benefit by the fifth calendar day following the date of application.

F.

**FLEEING FELON:** An individual for whom a federal, state, or local law enforcement officer acting in their official capacity presents an outstanding felony arrest warrant that conforms to one of the following National Crime Information Center Uniform Offense Classification Codes, to the Department to obtain information on the location of and other information about the individual named in the warrant: (A) Escape (4901); (B) Flight to Avoid (prosecution, confinement, etc.) (4902); or (C) Flight-Escape (4999).

**FOOD AND NUTRITION SERVICES (FNS):** The Division of the Department of Agriculture that administers the Supplemental Nutrition Assistance Program (SNAP).

**FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS (FDPIR):** The program administered by FNS and locally by either Indian Tribal Organizations or an agency of a State government. Dual participation in SNAP and FDPIR is prohibited.

**Food Supplement Program (FS):** The name by which SNAP benefits within the State of Maine were known prior to July 1, 2021.

**FOSTER CARE:** Children in the care and custody of the State consistent with 45 C.F.R. § 1305.

G.

**GENERAL ASSISTANCE:** Cash or another form of assistance financed by State or local funds as part of a program to cover living expenses or other basic needs.

**GOOD CAUSE:** Valid reasons for noncompliance with certain program requirements.

H.

**HEAD OF HOUSEHOLD:** That responsible adult household member selected by all adult members of the household. (See Section 111-1 for exception to this definition.)

**HIGHER EDUCATION ACT (TITLE IV):** A Federal statute establishing financial assistance to students in post-secondary education. Some examples are: PELL Grants, SEOG, Guaranteed Student Loans, and Work Study.

**HOMELESSNESS:** Lacking a fixed and regular nighttime residence or having a primary nighttime residence of:

1. a supervised shelter designed to provide temporary accommodations;

2. a halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized;

3. a temporary accommodation in the residence of another for not more than 90 days; or

4. a place not designed for regular sleeping accommodation for human beings.

"Homeless" does not describe any individual imprisoned or detained pursuant to a State law.

I.

**INDIVIDUAL WITH (or who has) A DISABILITY:** A household member who—

1. receives disability payments under Social Security or SSI;

2. is a veteran with a non-service connected disability pension;

3. is a veteran with a service connected disability which is rated or paid as total;

4. is a surviving spouse of a veteran and has been determined by VA to be house-bound or in need of aid-and-attendance (A&A);

5. is a surviving child of a veteran and is considered by VA to be permanently incapable of self-support;

6. is a surviving spouse or child of a veteran and is receiving, or approved to receive, VA compensation or pension payments, and would be disabled according to SSA standards;

7. is a recipient of a federal, state, or local public disability pension;

8. is a recipient of railroad retirement disability; or

9. is a recipient of SSI-related Medicaid.

Verification of the above is required.

**INITIAL MONTH:** The first month for which a benefit is issued. For households which previously participated it is the first month following at least one month of non-participation and in the case of migrant farm worker households, 30 days of non-participation.

L.

**LIVE-IN ATTENDANT:** An individual, usually paid, who is needed for medical, housekeeping or child care reasons. They will not be considered household members for SNAP.

**LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP) or (HEAP):** A Federal program, authorized under the Low-Income Home Energy Assistance Act of 1981 (Title XXVI of the Omnibus Budget Reconciliation Act of 1981, P.L. 97-35), that provides help with winter energy bills for income-eligible persons. Payments are usually made directly to local utility companies or vendors.

M.

**MASS CHANGES:** Certain changes imposed by the Federal or State government which may affect the entire caseload or significant portions thereof. Changes may include such items as annual adjustments to income standards, change in deductions, or cost of living adjustments to Temporary Assistance to Needy Families (TANF).

O.

**OVERPAYMENT:** When a household receives SNAP benefits for which they are not eligible.

P.

**PHISHING:** Is a fraudulent scheme typically carried out through unsolicited email and/or websites that pose as legitimate sites and lure unsuspecting victims to provide personal financial information. This act results in the collection of information not an item such as an EBT card.

**Public Institution:** A government operated facility in which people live and receive care typically in a confined setting and often without individual consent.

Q.

**QUESTIONABLE INFORMATION:** Information which is contradictory to other information known to or received by the Department.

R.

**REFUSAL TO COOPERATE:** When a household has the ability to cooperate, but clearly demonstrates that they will not take required action, even though they are able to do so.

**RENEWAL FORM:** A notice provided by the Department to the household that must be completed and returned to the Department as part of the required Annual Eligibility Review.

**RESTORATION OF LOST BENEFITS:** When a household is granted too few SNAP benefits and the error is caused by the Department, action is taken to restore lost benefits.

**Roomer:** An individual renting living space in the household’s primary residence. Roomers are distinguished from other renters because they share kitchen facilities with the lessor. Roomers are distinguished from boarders because they do not purchase and prepare the majority of meals with the lessor.

S.

**SEPARATE HOUSEHOLD:** Individuals sharing common living quarters, but who customarily purchase and prepare meals apart from each other.

**SHELTER FOR BATTERED PERSONS:** A place of temporary protection and support for persons escaping domestic violence and intimate partner violence of all forms.

**SHELTER FOR INDIVIDUALS EXPERIENCING HOMELESSNESS:** A building set up to provide for the needs of individuals experiencing homelessness; often including shelter, food, sanitation, and other forms of support.

**SIX-MONTH REPORT:** An interim report required for some households in the middle of the certification period. Information reported on the six-month report must reflect current household status.

**SPONSORED ALIEN:** A legal alien who entered the country based on an "Affidavit of Support" (USCIS Form I-134) or similar written agreement executed by a sponsor on behalf of the alien.

**SUBSTANCE ABUSE TREATMENT CENTERS:** See centers for the treatment of substance use disorders.

T.

**THRIFTY FOOD PLAN:** The maximum monthly benefit a household can receive. It is based on household size.

**TRAFFICKING:**

(1) The buying, selling, stealing, or otherwise effecting an exchange of SNAP benefits issued and accessed via Electronic Benefit 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 returning the container for the deposit

amount, intentionally discarding the product, and intentionally returning the container for the deposit amount;

(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;

(5) Intentionally purchasing products originally purchased with SNAP benefits in exchange for cash or consideration other than eligible food; or

(6) Attempting to buy, sell, steal or otherwise affect an exchange of SNAP benefits issued and accessed via Electronic Benefit 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. (7 C.F.R. §271.2).

**UNCLEAR INFORMATION:** Information provided to the Department that may convey more than one meaning or for which no single meaning can reasonably be ascribed and depending on the actual meaning could result in a different eligibility decision or benefit amount.

V.

**VENDOR PAYMENT:** A money payment made on behalf of the household by a third party.

**VETERAN:** As defined in Section 5126(f)(13)(F) of the James M. Inhofe National Defense Authorization Act of 2023, means an individual who served in the United States Armed Forces (such as Army, Marine Corps, Navy, Air Force, Space Force, Coast Guard, and National Guard), including an individual who served in a reserve component of the Armed Forces, and who was discharged or released therefrom, regardless of the conditions of such discharge or release.

Effective October 1, 2023 through September 30, 2024, a resident of the following Maine geographic areas (cities, towns, plantations, unorganized territories, townships and reservations) is exempt from ABAWD work requirements, per a federal geographic waiver approved pursuant to 7 C.F.R. § 273.24(f)(2) and section 6(o) of the *Food and Nutrition Act of 2008*:

Addison Burlington Corinna

Alexander Byron Corinth

Allagash Calais Cornville

Amity Cambridge Crawford

Andover Canaan Crystal

Anson Canton Cutler

Ashland Caratunk Cyr

Athens Caribou Dallas

Atkinson Carroll Danforth

Aurora Carthage Deblois

Avon Cary Dennistown

Baileyville Castle Hill Dennysville

Bancroft Caswell Detroit

Baring Central Aroostook Dixfield

Beals Central Hancock Dixmont

Beaver Cove Chapman Drew

Bethel Charleston Dyer Brook

Bingham Charlotte Eagle Lake

Blaine Cherryfield East Central Franklin

Blanchard Chester East Central Penobscot

Boothbay Harbor Codyville East Central Washington

Bowerbank Columbia East Hancock

Bradford Columbia Falls East Machias

Bridgewater Connor East Millinocket

Brighton Cooper Eastbrook

Brownville Coplin Easton

Eastport Indian Township Magalloway

Embden Island Falls Mapleton

Etna Jackman Mariaville

Eustis Jackson Mars Hill

Fort Fairfield Jonesboro Marshfield

Fort Kent Jonesport Masardis

Franklin Kingfield Mattawamkeag

Frenchville Kingman Maxfield

Garfield Kingsbury Meddybumps

Garland Lagrange Medway

Gilead Lake View Mercer

Glenwood Lakeville Merrill

Gouldsboro Lee Mexico

Grand Isle Limestone Milbridge

Grand Lake Stream Lincoln Millinocket

Great Pond Lincoln Plantation Milo

Greenwood Linneus Milton

Hamlin Littleton Monticello

Hammond Livermore Moose River

Hanover Livermore Falls Moro

Harmony Lowell Moscow

Harrington Lubec Mount Chase

Hartland Ludlow Nashville

Haynesville Machias New Canada

Hersey Machiasport New Limerick

Highland Macwahoc New Portland

Hodgdon Madawaska New Sweden

Houlton Madison New Vineyard

Newry Plymouth St. Agatha

Norridgewock Portage Lake St. Albans

North Franklin Prentiss St. Francis

North Oxford Presque Isle St. John

North Penobscot Princeton Stacyville

North Washington Reed Starks

Northeast Piscataquis Ripley Steuben

Northeast Somerset Robbinston Stockholm

Northfield Roque Bluffs Stoneham

Northwest Aroostook Roxbury Strong

Northwest Hancock Rumford Sullivan

Northwest Piscataquis Sangerville Talmadge

Northwest Somerset Sebec The Forks

Oakfield Seboeis Topsfield

Orient Seboomook Lake Tremont

Osborn Sherman Troy

Oxbow Shirley Twombly Ridge

Palmyra Skowhegan Upton

Passadumkeag Smithfield Van Buren

Patten Smyrna Vanceboro

Pembroke Solon Wade

Perham South Aroostook Waite

Perry South Franklin Wallagrass

Peru Southeast Piscataquis Washburn

Phillips Southport Webster

Pittsfield Southwest Harbor Weld

Pleasant Point Springfield Wellington

Pleasant Ridge Square Lake Wesley

West Forks

Westfield

Westmanland

Weston

Whiting

Whitney

Whitneyville

Willimantic

Winn

Winter Harbor

Winterville

Woodland

Woodstock

Woodville

**NOTE:** These tables are extended to meet the needs of certain categorically eligible households. Therefore, the amounts shown on the tables are higher than the net income limits for some household sizes. Households must have incomes below the appropriate income limits unless exempt per Section 444-8.

**\*** Maximum Gross and Net Monthly Income figures are not used for computing the benefit amount. They are included as a reference for determining the household’s eligibility.

**Chart 1**

100% of Federal Poverty Level (FPL) monthly income

(Net income test)

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Household Size | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | Each Additional Member |
| FFY 2020  10/1/19 –  9/30/20 | $1,041 | $1,410 | $1,778 | $2,146 | $2,515 | $2,883 | $3,251 | $3,620 | $369 |
| FFY 2021  10/1/20 – 9/30/21 | $1,064 | $1,437 | $1,810 | $2,184 | $2,557 | $2,930 | $3,304 | $3,677 | $374 |
| FFY 2022  10/1/21 – 9/30/21 | $1,074 | $1,452 | $1,830 | $2,209 | $2,587 | $2,965 | $3,344 | $3,722 | $379 |
| FFY2023  10/1/22 – 9/30/23 | $1,133 | $1,526 | $1,920 | $2,313 | $2,706 | $3,100 | $3,493 | $3,886 | $394 |
| FFY 2024  10/1/23 - | $1,215 | $1,644 | $2,072 | $2,500 | $2,929 | $3,357 | $3,785 | $4,214 | $429 |

**Chart 2**

130% of Federal Poverty Level (FPL) monthly income

(Non-categorical gross income test)

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Household Size | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | Each Additional Member |
| FFY 2020  10/1/19 –  9/30/20 | $1,354 | $1,832 | $2,311 | $2,790 | $3,269 | $3,748 | $4,227 | $4,705 | $479 |
| FFY 2021  10/1/20 –  9/30/21 | $1,383 | $1,868 | $2,353 | $2,839 | $3,324 | $3,809 | $4,295 | $4,780 | $486 |
| FFY 2022  10/1/21 – 9/30/22 | $1,396 | $1,888 | $2,379 | $2,871 | $3,363 | $3,855 | $4,347 | $4,839 | $492 |
| FFY 2023  10/1/22 –9/30/23 | $1,473 | $1,984 | $2,495 | $3,007 | $3,518 | $4,029 | $4,541 | $5,052 | $512 |
| FFY 2024  10/1/23 - | $1,580 | $2,137 | $2,694 | $3,250 | $3,807 | $4,364 | $4,921 | $5,478 | $557 |

**Chart 3**

165% of Federal Poverty Level (FPL) monthly income

(Gross income test for those purchasing and preparing meals with individuals who are elderly and have a disability and their spouses to qualify as a separate household (Section 111-1(2)(c))

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Household Size | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | Each Additional Member |
| FFY 2020  10/1/19 –  9/30/20 | $1,718 | $2,326 | $2,933 | $3,541 | $4,149 | $4,757 | $5,364 | $5,972 | $608 |
| FFY 2021  10/1/20 – 9/30/21 | $1,755 | $2,371 | $2,987 | $3,603 | $4,219 | $4,835 | $5,451 | $6,067 | $616 |
| FFY 2022  10/1/21 – 9/30/22 | $1,771 | $2,396 | $3,020 | $3,644 | $4,268 | $4,893 | $5,517 | $6,141 | $625 |
| FFY 2023 10/1/22 – 9/30/23 | $1,869 | $2,518 | $3,167 | $3,816 | $4,465 | $5,114 | $5,763 | $6,412 | $649 |
| FFY 2024  10/1/23 - | $2,005 | $2,712 | $3,419 | $4,125 | $4,832 | $5,539 | $6,246 | $6,952 | $707 |

**Chart 4**

185% or 200%[[2]](#footnote-2) of Federal Poverty Level (FPL) monthly income

(Gross income test for narrow and broad-based categorical eligibility)

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Household Size | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | Each Additional Member |
| Calendar Year 2020  1/14/20–1/12/21 | $1,968 | $2,658 | $3,349 | $4,040 | $4,730 | $5,421 | $6,112 | $6,802 | $691 |
| Calendar Year 2021  1/13/21–1/11/22 | $1,986 | $2,686 | $3,386 | $4,086 | $4,786 | $5,486 | $6,186 | $6,886 | $700 |
| Calendar Year 2022  1/12/22– 6/30/22 | $2,096 | $2,823 | $3,551 | $4,279 | $5,006 | $5,734 | $6,462 | $7,189 | $728 |
| Calendar Year 2022  7/1/22–1/18/23 | $2,265 | $3,052 | $3,839 | $4,625 | $5,412 | $6,199 | $6,985 | $7,772 | $787 |
| Calendar Year 2023  1/19/23 - | $2,430 | $3,287 | $4,144 | $5,000 | $5,857 | $6,714 | $7,570 | $8,427 | $857 |

**Chart 5**

Thrifty Food Plan monthly budget

(Maximum monthly SNAP benefit)

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Household Size | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | Each Additional Member |
| FFY 2020  10/1/19 –  9/30/20 | $194 | $355 | $509 | $646 | $768 | $921 | $1,018 | $1,164 | $146 |
| FFY 2021  10/1/20 –12/31/20 | $204 | $374 | $535 | $680 | $807 | $969 | $1,071 | $1,224 | $153 |
| FFY 2021  1/1/21 – 9/30/21 | $234 | $430 | $616 | $782 | $929 | $1,114 | $1,232 | $1,408 | $176 |
| FFY 2022  10/1/21 – 9/30/22 | $250 | $459 | $658 | $835 | $992 | $1,190 | $1,316 | $1,504 | $188 |
| FFY 2023  10/1/22 – 9/30/23 | $281 | $516 | $740 | $939 | $1,116 | $1,339 | $1,480 | $1,691 | $211 |
| FFY 2024  10/1/23 - | $291 | $535 | $766 | $973 | $1,155 | $1,386 | $1,532 | $1,751 | $219 |

**Chart 6**

Minimum benefit for categorically eligible households of 1 or 2 members.

|  |  |
| --- | --- |
| FFY 2020  10/1/19 –  9/30/20 | $16 |
| FFY 2021  10/1/20 –12/31/20 | $16 |
| FFY 2021  1/1/21 –  9/30/21 | $19 |
| FFY 2022  10/1/21 –  09/30/22 | $20 |
| FFY 2023  10/1/22 – | $23 |

**Chart 7**

Standard Deduction

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Household Size | 1 to 3 | 4 | 5 | 6 or more |
| FFY 2020  10/1/19 –  9/30/20 | $167 | $178 | $209 | $240 |
| FFY 2021  10/1/20 – 9/30/21 | $167 | $181 | $212 | $243 |
| FFY 2022  10/1/21 – 9/30/22 | $177 | $184 | $215 | $246 |
| FFY 2023  10/1/22 – 9/30/23 | $193 | $193 | $225 | $258 |
| FFY 2024  10/1/23 - | $198 | $208 | $244 | $279 |

**Chart 8**

Shelter deductions and allowances

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | Maximum Shelter Deduction | Full Standard Utility Allowance (FSUA) | Non-Heat Utility Allowance (NHUA) | Phone Only Utility Allowance  (PhUA) | Homeless Shelter Deduction |
| FFY 2020  10/1/19 –  9/30/20 | $569 | $782 | $264 | $45 | $152.06 |
| FFY 2021  10/1/20 – 9/30/21 | $586 | $782 | $264 | $45 | $156.74 |
| FFY 2022  10/1/21 – 2/28/22 | $597 | $844 | $285 | $49 | $159.73 |
| FFY 2022  3/1/22 – 9/30/22 | $597 | $886 | $299 | $51 | $159.73 |
| FFY 2023 10/1/22 – 9/30/23 | $624 | $1,075 | $363 | $62 | $166.81 |
| FFY 2024  10/1/23 - | $672 | $1,024 | $346 | $59 | $179.66 |

**Chart 9**

Asset Limits

|  |  |  |  |
| --- | --- | --- | --- |
|  | Certain Broad Based Categorical Households | Non-Categorical Households with a  Member who is Elderly  or has a Disability | Non-Categorical Households with no Members who are Elderly or have a Disability |
| FFY 2018 – 2021  10/1/17 – 9/30/21 | $5,000 | $3,500 | $2,250 |
| FFY 2022  10/1/21 – 12/31/21 | $5,000 | $3,750 | $2,500 |
| Calendar Year 2022  1/1/22 – 9/30/22 | No Limit | $3,750 | $2,500 |
| FFY 2023  10/1/22 – | No Limit | $4,250 | $2,750 |

1. This reference applies to the version of the Social Security Act that was in place at the time the assistance was provided. The text of the act can be found at <https://www.ssa.gov/OP_Home/ssact/title04/0400.htm>.

   Individuals may request copies by writing to:

   Senior Program Manager – SNAP

   Maine DHHS, Office for Family Independence

   11 State House Station

   109 Capitol St.

   Augusta, ME 04333-0011 [↑](#footnote-ref-1)
2. This test changed from 185% to 200% July of 2022. [↑](#footnote-ref-2)