

# Chapter 1

## Household Concept

### 100 Household Definition

#### A. General Definition

The food assistance household is composed of one of the following individuals or group of individuals, provided they are not residents of institutions except as specified in [Section 104](#), or are not boarders as specified in [Section 102](#).

1. An individual living alone.
2. An individual living with others but customarily purchasing food and preparing meals for home consumption separate and apart from others.

Non-elderly disabled individuals must have the ability to purchase and prepare their food separately from others in the household in order to be given separate household status. This may be accomplished by a live-in attendant, someone outside the household or by the disabled individual himself. It can be accomplished by others in the household.

3. A group of individuals who live together and customarily purchase food and prepare meals together for home consumption.

Exception: An elderly impaired household member and his/her spouse who purchase and prepare meals with other household members can be a separate food assistance household if both the following conditions are met.

- a) He/she is unable to purchase and prepare meals because of a disability considered permanent under the Social Security Act, or a non-disease related, severe permanent disability.
- b) The income of the others with whom the individual resides (excluding the income of the spouse of the elderly and disabled individual) does not exceed 165% of the poverty level.

See Basis of Issuance for the 165% poverty level table.

Note: The intent to purchase food and prepare meals separately may also establish separate household status, even if the intent is contingent upon the receipt of food assistance.

#### Persons Residing in More Than One Household

When an individual resides in more than one household for a portion of the same month, he/she can be included in only one of the households with the exception of residents of shelters for battered women and children as noted in [Section 1106](#).

Generally the determining factor for which household the above individual is to be included shall be the household in which the individual eats a majority of meals.

### **Members Temporarily Out of the Home**

Household members who are away from home for part of a month shall continue to be a part of the food unit in determining eligibility level. Such include but are not limited to:

1. Those members who due to the traveling nature of their job are out of town part of the month and do not establish a separate residence; e.g., an interstate truck driver who eats meals part of the month at home with his family cannot be a separate household from his family.
2. Those members who are temporarily hospitalized if it is anticipated that the hospitalization will be less than a month.
3. Those members who are incarcerated if it can be anticipated that the incarceration will be less than 30 days.

### **B. Special Definition**

The following individuals who live together shall be included in one food assistance household regardless of their method of purchasing food and preparing meals:

1. Spouses
2. Other than foster children, any child 17 years of age or younger under the parental control of any adult household member other than a parent.
3. Children (natural, adopted or step) 21 years of age or under living with their parents even if such children are themselves parents and/or married and living with their spouse.

**NOTE:**

- a) Step parent and step child relationships should be considered as continuing as long as they live together, even if the natural parent leaves, gets a divorce or dies.
- b) Adoption of a child negates parent/child relationship.
- c) Children who spend the summer months away from their parent's household cannot maintain their status as food assistance household members during their absence.

## **101 Non-Household Members**

The following persons who reside with a food assistance household must not be included as a member in the household:

1. Roomer \*
2. Live-in attendant \*
3. Others who do not customarily purchase food and prepare meals with the household. \*

\* Except for those individuals required to be included in the household as defined under the Special Definition ([Section 100B](#)).

4. Ineligible member.

- a) An individual who does not meet the eligible student criteria in [Chapter 5](#).
- b) An individual who does not meet the citizenship or eligible alien status requirements in [Section 400](#) or the eligible sponsored alien requirements in [Section 1108](#).
- c) An individual who is fleeing to avoid prosecution or custody for a crime, or an attempt to commit a crime or in violation of a condition of his or her probation/parole.
  - ♣ Before an individual can be defined as "fleeing", all four of the following criteria must be met and verified:
    1. There has to be a felony warrant for an individual by a Federal, State, or local law enforcement agency, and the underlying cause for the warrant is for committing or attempting to commit a crime that is a felony under the law of the place from which the individual is fleeing;
    2. The individual has to be aware of, or should reasonably have been able to expect that a warrant has or would have been issued;
    3. The individual has to have taken some action to avoid being arrested or jailed; and
    4. The Federal, State, or local law enforcement agency must be actively seeking the individual. Law enforcement is actively seeking the individual when: (1) A Federal, State, or local law enforcement agency informs a State agency that it intends to enforce an outstanding felony warrant or to arrest an individual for probation or parole violation within 20 days of submitting a request for information about the individual to the State agency; (2) A Federal, State, or local law enforcement agency presents an outstanding felony arrest warrant that conforms to one of the National Crime Information Center Uniform Offense Classification Codes: Escape (4901), Flight to Avoid (prosecution, confinement, etc.) (4902), or Flight-Escape (4999); OR (3) A Federal, State, or local law enforcement agency states that it intends to enforce an outstanding felony warrant or to arrest an individual for probation or parole violation within 30 days of the date of a request from a State agency about a specific outstanding felony warrant or probation or parole violation.
- d) An individual found to have made a fraudulent statement or representation with respect to identity or residence in order to receive multiple benefits simultaneously.

Such findings may be through an ADH hearing decision, ADH waiver, disqualification consent agreement or conviction in a State or Federal court. Ineligibility is for 10 years from the time above determination is made.

- e) An Able Bodied Adult without Dependents (ABAWDS) who is ineligible because he/she does not meet the work requirements of POE [Section 710 A](#).
5. Disqualified member
- a) An individual who is disqualified for failure to provide a Social Security Number as noted in [Section 602](#).
  - b) An individual who is disqualified for intentional program violation as noted in [Claims Against Household Manual](#).
  - c) An individual who is disqualified for noncompliance with work requirements as noted in [Section 704](#).

- d) An individual who is convicted of trafficking food assistance benefits of \$500 or more or using food assistance benefits to purchase firearms.

The disqualification for either of these convictions is permanent.

- e) An individual who is convicted of a misdemeanor or felony offense of trading food assistance for drugs (trafficking) in an amount less than \$500.

The disqualification is two (2) years for the first conviction. The disqualification is permanent for the second conviction.

- f) An individual who is convicted under Federal or State law of a felony offense which has an element the possession, use or distribution of a controlled substance, provided

the conduct (act) resulting in the conviction occurred after August 22, 1996. The disqualification is permanent.

- Persons who have completed his or her sentence or is satisfactorily serving a sentence period of probation including persons who satisfactorily have completed mandatory participation in a drug treatment program; may be eligible for participation.

## 102 Boarders

Boarders are individuals or groups of individuals residing with others and paying reasonable compensation to the others for lodging and meals.

This section does not apply to:

1. Residents of commercial boarding houses. (See the Glossary manual for the definition of commercial boarding house.) Residents of commercial boarding houses are ineligible to participate in the Food Assistance Program under any circumstances.
2. Individuals residing in exempt institutions, i.e., drug/alcohol treatment programs, group living arrangements, shelters for battered women and children and homeless shelters. These individuals are not considered boarders.

To determine if reasonable compensation is being paid for meals and lodging in making a determination of boarder status, only the amount paid for meals shall be used; provided that the amount paid for meals is distinguishable from the amount paid for lodging. A reasonable monthly payment shall be either of the following:

- ❖ Boarders whose board arrangement is for more than two meals a day shall pay an amount which equals or exceeds the Thrifty Food Plan for the appropriate size of the boarder household.
- ❖ Boarders whose board arrangement is for two meals or less per day shall pay an amount which equals or exceeds two-thirds of the Thrifty Food Plan for the appropriate size of the boarder household.

Individuals determined to be boarders are ineligible to participate in the Food Assistance Program independently of the household providing the board. Boarders may participate as members of the household providing the boarder services at such household's request. In no event can boarder

status be granted to those individuals required to be in the same food assistance household as described in [Section 100 B](#), Special Definition. The exception is that foster children or adults placed in a home by a Federal, State or local governmental foster care program are considered boarders. This is true even though foster children are under parental control. If the host household requests that foster children or adults be considered household members, they shall be included in the household budget. In this instance the entire foster care payment(s), including both the service payment and the maintenance payment, would then count as unearned income to the household.

None of the income or resources of individuals determined to be boarders and who are not members of the household providing the boarder services shall be considered available to the household. However the amount of the payment that a boarder gives to a household shall be treated as self-employment income to the household. The procedures for handling self-employment income from boarders are set forth in [Section 1101](#).

Individuals furnished both meals and lodging by a household but paying compensation of less than a reasonable amount to the household for such services shall be considered a member of the household providing the services.

### **103 Head of Household for Filing a Food Assistance Application**

The head of the household for the purposes of applying for food assistance and assignment of case name may be designated by the applicant, or the certification worker may assist in this determination. There are no requirements for an individual household member to meet in order to be the head of the household other than that he/she is a responsible household member. If the only responsible person living with the household is an ineligible member or a disqualified member, this individual shall be designated as head of the household.

A responsible household member is any member capable of representing the household by providing the county department with not only sufficient but accurate information concerning household circumstances.

1. The county department has the final authority in the determination of whether or not an individual is a responsible household member.
2. There are no restrictions to the effect that the responsible household member be an adult. Therefore a minor can sign the food assistance application and represent the household in the certification process.

### **104 Residents of Institutions**

Residents of institutions are not eligible for participation in the food assistance program. Individuals are considered residents of an institution when the institution provides them with the majority of their meals (over 50% of three meals daily) as part of the institution's normal services and the institution has not been authorized to accept food assistance benefits. This includes individuals age 10 or older, who are incarcerated in federal, state, county or city facilities for more than 30 consecutive days.

The following exceptions apply:

1. Residents of federally subsidized housing for the elderly, built under either Section 202 of the Housing Act of 1959 or Section 236 of the National Housing Act.
2. Narcotic addicts or alcoholics who for the purpose of regular participation in a drug or alcohol treatment and rehabilitation program reside at a facility or treatment center as discussed in [Section 1104](#).

Residents of detoxification centers which only accept patients for three or four days at a time are not eligible to participate in the Food Assistance Program while residing at such centers. This policy does not apply to residents of those centers which offer detoxification as an initial phase to a longer term treatment and rehabilitation program, unless such residents are only accepted for the detoxification phase which lasts only three or four days.

3. Disabled individuals who are residents of group living arrangements as noted in [Section 1105](#).
4. Individuals or Individuals with their children temporarily residing in a shelter for battered persons as discussed in [Section 1106](#). Such persons temporarily residing in shelters for battered individuals and children shall be considered individual household units for the purposes of applying for and participating in the program.
5. Residents of public or private non-profit shelters for homeless persons.
6. Residents of any institution which provides more than 50% of daily needs if all of the following conditions are met:
  - a) The resident is unable to eat the meals provided.
  - b) There is a verified need for a special diet.
  - c) The institution is unable or unwilling to provide the diet.
7. Residents of public institutions who apply for SSI prior to their release from an institution under the Social Security Administration's Pre-release Program for the Institutionalized shall be permitted to apply for food assistance at the same time they apply for SSI.

## 105 Authorized Representatives

### A. Household Authorized Representative

The head of the household, spouse or any other responsible member of the household may designate an authorized representative to act on behalf of the household in the following capacities:

1. Application processing and reporting.  
If an applicant or prospective applicant household indicates they may have difficulty completing the application process, the worker must inform the household that a non-household member may be designated as an authorized representative for application processing purposes. The authorized representative may complete work registration forms for household members required to register for work. The authorized representative may also carry out the household's responsibility during the certification

period such as reporting changes according to the household's reporting requirements found in either [Chapter 12](#) or [Chapter 17](#) of POE.

The household must be informed that the household will be held liable for any over issuance that results in erroneous information given by the authorized representative.

This provision does not apply to situations in which a drug and alcohol treatment center or other group living arrangement acts as an authorized representative for its residents.

A non-household member may be designated as an authorized representative for the application process provided that person is:

- a) An adult who is sufficiently aware of relevant household circumstances.
  - b) Designated as authorized representatives in writing by the head of the household, spouse or another responsible household member using the Authorized Form for Household. Representative, PSD-BFA-863 or the Food Assistance Application – Short Form, DHR-FSD-1971.
  - c) Further restrictions on who can be appointed an authorized representative can be found in [Section 105 C](#).
2. Using food assistance benefits  
A household may designate one authorized representative to use its benefits to purchase food for the household. The authorized representative designated to use food assistance benefits for the household will be issued an EBT card for this use. Refer to Chapter 8 [EBT Manual](#) for specific information about authorized representatives and EBT.

## **B. Drug Addict/Alcoholic Treatment Centers and Group Homes as Authorized Representatives**

1. Narcotic addicts or alcoholics who regularly participate in a drug or alcoholic treatment program, as defined [Section 1104](#), shall apply and be certified for program participation through the use of an authorized representative who shall be an employee and designated by the publicly-operated community mental health center of the private non-profit organization or institution that is administering the treatment and rehabilitation program.
  - a) The center shall receive and spend the coupon allotment for food prepared by and/or served to the addict or alcoholic.
  - b) The center shall be responsible for complying with the requirements set forth in [Section 1104](#).
2. Residents of group living arrangements, as defined in [Section 1105](#), shall either apply and be certified through the use of an authorized representative employed and designated by the group living arrangement or apply and be certified on their own behalf or through an authorized representative of their own choice.
  - a) The group living arrangement shall determine if any resident may apply for food assistance on his/her own behalf, the determination should be based on the resident's physical and mental ability to handle his/her own affairs. The group living arrangement is encouraged to consult with any other agencies of the State providing other services to individual residents prior to a determination.

- b) All of the residents of the group living arrangement do not have to be certified either through an authorized representative or individually in order for one or the other method to be used.
- c) Applications shall be accepted for any individual applying as a one person household or for any grouping of residents applying as a household as defined in [Section 100\(A\)](#), unless the individual(s) must apply through the facility as authorized representatives.

If the residents are certified on their behalf, the coupon allotment may either be:

- ❖ Returned to the facility to be used to purchase food for meals served either communally or individually to be eligible residents.
  - ❖ Used by eligible residents to purchase and prepare food for their own consumption and/or
  - ❖ Used to purchase meals prepared and served by the group living arrangement.
- d) If the resident applies through the facility as the authorized representative, the group living arrangement may either receive and spend the coupon allotment for food prepared by and/or served to the eligible resident or allow the eligible resident to use all or any portion of the allotment on his/her behalf.
  - e) The group living arrangement is responsible for complying with the requirements set forth in [Section 1105](#).

The group living arrangement has its status as an authorized representative suspended by FNS (as discussed in [Section 1105](#)), residents applying on their own behalf shall still be able to participate if otherwise eligible unless the group living arrangement continues to provide meals, as the residents would then be a resident of an institution.

### **C. Restrictions on Authorized Representatives**

The following restrictions apply to authorized representatives:

1. Department of Human Resources employees and retailers authorized to accept food assistance may not act as authorized representatives unless:
  - a) Specific written approval of the County Director is given, and
  - b) The county director determines that no one else is available to serve as an authorized representative.
2. Individuals disqualified for an Intentional Program Violation (IPV), may not Act as authorized representative during the period of disqualification, unless the county department has determined that no one else is available to serve as authorized representative. The county department shall separately determine whether these individuals are needed to:
  - a) Apply on behalf of the household.
  - b) Use the benefits for food for the household.

3. In the event employers, such as those that employ migrant or seasonal farm workers, are designated as authorized representatives or that a single authorized representative has access to a large amount of benefits, the State agency should exercise caution to assure that:
  - a) The household has freely requested the assistance of the authorized representative.
  - b) The household's circumstances are correctly represented; the household is receiving the correct amount of benefits, and
  - c) The authorized representative is properly using the benefits.
4. A county department which has obtained evidence that an authorized representative has misrepresented a household's circumstances and has knowingly provided false information pertaining to the household, or has made improper use of benefits, may disqualify that authorized representative from participating as an authorized representative in the Food Assistance Program for up to one year. The county department shall send written notification to the affected household(s) and the authorized representative 30 days prior to the date of disqualification. The notification shall contain:
  - a) The proposed action.
  - b) The reason for the proposed action.
  - c) The household's right to request a fair hearing.
  - d) The telephone number of the office, and
  - e) The name of a person to contact for additional information.

The above provision is not applicable in the case of drug addict and alcoholic treatment centers and those group homes which act as authorized representatives for their residents.

5. Homeless meal providers, as defined in [Section 1107](#), may not act as authorized representatives for homeless food assistance recipients.

In order to prevent abuse of the program, the county department may set a limit on the number of households an authorized representative may serve.

## 106 Strikers

### A. Eligibility

Households with striking members shall be ineligible to participate in the Food Assistance Program unless the household was eligible for benefits the day prior to the strike and is otherwise eligible at the time of application. However, such a household shall not receive an increased allotment as the result of a decrease in the income of the striking member(s) of the household.

## **B. Lockouts**

If the union and the company disagree as to whether the work stoppage is a strike or lockout, the county department must ask the State Desk, FSD, who will obtain a determination from the Food and Nutrition Service.

The sole fact that a struck company has applied for bankruptcy under Chapter 11 does not mean that the striker provisions no longer apply.

## **C. Definition of a Striker**

For food assistance purposes, a striker shall be anyone involved in a strike or concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective-bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees.

1. Striker provisions apply to employees who participate in sympathy and support strikes.
2. All nonworking members of the bargaining unit which is on strike are strikers even if they are not members of the union and regardless of whether they are afraid to cross a picket line.
3. If a person gets another job while on strike but he/she does not resign from the struck company then the striker provisions continue to apply.
4. If the union calls off the strike and tells the strikers to go back to work and they do not, the strike provisions apply until they return to work or are fired or quit.
5. Striker provisions do not apply to self-employed persons such as independent long-distance truckers.

The following individuals shall not be deemed to be strikers although they meet the above definition:

Any employee affected by a lockout.

Any individual who goes on strike but who is exempt from work registration, as noted in [Section 701](#), the day prior to the strike, other than those exempt solely on the grounds that they are employed.

## **D. Examples of Non-strikers**

1. An employee whose workplace is closed by an employer in order to resist demands of employees.
2. An employee unable to work as a result of striking employees (e.g., truck drivers who are not working because striking newspaper pressmen prevent newspapers from being printed).
  - a) An employee who is not a member of the bargaining unit and who is not participating in a sympathy or support strike but claim he/she is afraid to cross the picket line.

- b) The county department should primarily rely on the household's allegations of fear.

The county department may also use general knowledge of incidence of violence in past or present strikes to determine if a risk of personal injury or death exists.

- 3. A striker who cannot return to work as the employer/company has hired replacements. The fact that a company may offer these former employees other jobs would not affect their status as non-strikers. They must be able to return to the same jobs they left when the strike began in order to continue to be considered strikers.
- 4. Striker provisions no longer apply if:
  - a) The company fires the employee while they are on strike.
  - b) An employee officially resigns from his job while he is on strike.
  - c) The company hires permanent replacements for the strikers.
  - d) The company will not allow the strikers to return to their old jobs but offers them different ones.
  - e) An employee was locked out by the company the day before the strike.
  - f) The company lays off, furloughs, or otherwise notifies employees who are not part of the bargaining unit that no jobs are available because of the strike.
  - g) A person was laid off when the strike began.

## **E. Prestrike Eligibility**

Prestrike eligibility shall be determined by considering the day prior to the strike as the day of application and assuming the strike did not occur.

- 1. Eligibility at the time of application shall be determined by comparing the striking member's income before the strike (as calculated above) to the striker's current income and adding the higher of the two to the current income of non-striking members during the month of application.
- 2. To determine benefits and eligibility for households subject to the net income eligibility standard), deduction shall be calculated for the month of application as for any other household. Whether the striker's prestrike earnings are used or his current income is used, the earnings deduction shall be allowed if appropriate.
- 3. Strikers whose households are eligible to participate shall be subject to the work registration requirements in [Section 700](#) unless exempt in [Section 701](#) the day of application.