100.0 Definition

The Food Supplement Program, Maryland's Supplemental Nutrition Assistance Program (SNAP), helps low-income families buy the food they need for a nutritionally adequate diet. FSP benefits represent federal dollars that are spent in the communities our customers live in. Recent national estimates show that every $5 of FSP spent generates at least $9 in the local economy.

100.1 Purpose

This section defines the eligibility group called the Food Supplement Program (FSP) household. It describes who is and is not part of the group for FSP purposes. It also describes certain persons who are not eligible to receive FSP benefits and persons who have eligibility only in special situations.

100.2 General Food Supplement Program Household Definition

A. The eligible group for FSP purposes is the FSP household.

B. A household may be one person or a group of people who live together and customarily purchase and prepare their food together.

C. It is not necessary that the group of people share other non-household expenses.

D. There is no requirement that the household have cooking facilities or common storage of food.

E. No individual may participate as a member of more than one household in any month except when the individual is a resident of a shelter for battered women and children as described in Section 103 (Shelter Residents).

F. If a person or group leaves a household, they must be permitted to apply and participate as a separate household the month after the move, if otherwise eligible. The remaining household members will receive benefits based on the reduced household size.

100.3 Required Household Combinations

The following people who live together **must** be included in the same FSP household. They cannot choose to be excluded on the basis of being a boarder, roomer or live-in attendant. When they claim separate living units in the same building, they cannot be separate households if they share any common living quarters (e.g. kitchen or bathroom).

A. **Spouses are either of two individuals who:**

1. Are married to each other under applicable state law; or

2. Hold themselves out to the community as husband and wife by representing themselves as such to relatives, friends or neighbors.

   Example 1: Mr. A applied for FSP benefits. When questioned about who lives with him he said Mrs. A also lives in the home. Mr. A said they had separated, but she had no place to live so he let her stay at his house. They do not purchase and prepare food together.

   The case manager includes Mrs. A in the household because spouses cannot be separate households.

   Example 2: Mr. A applied for the FSP again. Mr. and Mrs. A are now divorced. They still live in the same house and still purchase and prepare food separately.

   The case manager certifies Mr. A as a one-person household.

   Example 3: Mr. B applied for FSP benefits for himself. When asked if other people live in the home, he stated that his girlfriend, Ms. C, and her son live with him. He also stated that Ms. C and her son purchase and prepare food separately from him.

   (Note: Mr. and Ms. C are not "holding themselves out to the community as husband and wife")

   The case manager certifies Mr. B as a one-person household after getting verification from Ms. C that they do not purchase and prepare food together.

   Example 4: Mrs. G applied for FSP benefits for herself and two children. She stated that her husband was not in the home only because he is in the Army and is stationed out of the U.S.

   The case manager certifies Mrs. G and her children for FSP benefits. Mr. G is not in the FSP household. (The income he sends to his family is counted as unearned income.)

B. **Parents and Children**

1. Children, 21 years old and younger, living with their natural, adoptive parents or stepparents cannot be separate households from their parents.

100.3 Required Household Combinations (continued)

Example1: Mrs. D applied for FSP benefits for herself, her husband and child. Mrs. D is 20 years old. They live with Mrs. D's parents. The families purchase and prepare their food separately.

The case manager cannot certify Mrs. D and her family separately from her parents so she asks for verification of the parent's circumstances.

Example 2: Mr. and Mrs. E and their son moved in with Mr. E's parents. They purchase and prepare their food separately from the parents. Mr. E is 23 years old.

The case manager certifies this household separately from the parents.

Example 3: Mr. F is a 20-year old SSI recipient who lives with his parents. He is on a special diet. The parents want to apply for FSP benefits for their son only since they purchase and prepare their food separately from him.

The case manager explained that because of Mr. F's age they would all have to be included as one household and requested information about all household members.

Example 4: Ms. K applied for FSP benefits for herself and three children. She stated that two of the children live with her all the time. Her oldest son is in job corps. He is only home on some weekends.

The case manager does not include the child who is not in the home except for some weekends.

Note: This policy would also apply to children who live away from home because of school.

2. Adult children (22 years old or older) who live with their parents can be separate households if they purchase and prepare their food separately.

   Example: Mr. H applied for FSP benefits for himself only. He is 25 years old. When questioned about household composition he stated that he lives with his mother and purchases and prepares his food with her.

   The case manager explains to Mr. H that he has to provide information about his mother's circumstances because they cannot be separate households.

100.3 Required Household Combinations (continued)

3. Joint custody arrangements

   (a) When the custody arrangement between parents is uneven, the child would be included in the household that provides the child with the majority of his or her meals.

   (b) When there is an equal custody arrangement and the children eat 50 percent of their meals with each parent, the case manager must decide which household should include the child. If both parents apply and cannot agree on which household will include the child, the case manager will resolve the issue by including the child in the household that applied first.

   Note: The case manager must insure that the child is included in only one household.

C. **Children Under 18 Years of Age**

Children (other than foster children – See section 100.5) age 17 or younger who live with and are under the parental control of someone other than a parent cannot be a separate household.

A child is under "parental control" if he or she is financially or otherwise dependent on a member of the household.

Example: Ms. G is 17 years old. She lives with her aunt. Ms. G works and purchases and prepares her own meals. When questioned about household composition she stated that her aunt does not exercise parental control over her.

The case manager certifies Ms. G as a one-person household.

100.4 Boarders

A. Residents of a commercial boarding house, regardless of the number of residents, are not eligible to participate in the Food Supplement Program. A commercial boarding house is an establishment that offers meals and lodging for compensation with the intent of making a profit. Do not use the number of boarders residing in a boarding house to determine if a boarding house is a commercial enterprise. Institutions listed in 100.63 of this manual are not considered boarding houses.

100.4 Boarders (continued)

B. All other individuals or groups of individuals who pay a reasonable amount for meals and lodging must be considered boarders and are not eligible to participate independently of the household providing the board.

   These individuals or groups of individuals may participate, along with a spouse or children living with them, as members of the household providing the boarder services, only at the request of the household providing the boarder services.

C. An individual paying less than a reasonable amount cannot be considered as a boarder, but must be included as a member of the household providing the board.

D. Persons who must be included in the household (see Section 100.3) cannot be boarders regardless of the amount of money they pay.

E. Reasonable monthly amount is defined as follows:

   1. If the boarder receives more than two meals a day, the payment must equal or exceed the maximum monthly Food Supplement Program (FSP) allotment for the appropriate household size of the boarder household.

   2. If the boarder receives two meals or less a day, the payment must equal or exceed two-thirds of the maximum monthly FSP allotment for the appropriate household size of the boarder household.

      This also applies in cases where, over a period of a week or month, the household receives two or fewer meals per day when the total meals are averaged over that period of time. For example, an individual may be part of a board arrangement that provides three meals per day on Monday through Thursday each week, but not for Friday, Saturday or Sunday. When averaged over the seven days, the number of meals is less than 2, or 1.7 per day.

100.5 Individuals in Foster Care/Kinship Care Subsidized Guardianship Program

Individuals placed in the home of relatives or other individuals or families by a foster care program are considered to be boarders. They cannot get FSP benefits independently of the household providing the foster care services. Do not include the foster care income unless the foster care child is in the FS household.

100.6 Ineligible individuals and Households

The following people or groups of people are not eligible to receive FSP benefits. Therefore, they are never part of the FSP household.

100.61 Ineligible Immigrants

Individuals who do not meet citizenship or immigrant requirements as described in Section 120.

100.62 Disqualified Individuals

A. Individuals disqualified for intentional program violations as described in Section 480.

B. Individuals disqualified for refusal or failure to provide a Social Security Number.

C. Individuals convicted of trading FSP benefits for illegal drugs.

D. Individuals convicted of trading FSP benefits for firearms, ammunition or explosives.

E. Individuals convicted of trafficking FSP benefits of $500 or more.

F. Individuals convicted in a Federal or State court or Administrative Disqualification Hearing of having made a fraudulent statement or misrepresentation about place of residence or identity in order to receive multiple benefits simultaneously.

G. Individuals disqualified for failure to comply with work registration requirements.

H. Individuals who were receiving FSP benefits and were convicted of a volume dealer drug offense (manufacturing, distributing, dispending or possessing certain qualities of controlled dangerous substances) or a drug kingpin offense (a "drug king pin" means an organizer, supervisor, financier or manager who acts as a coconspirator to manufacture, distribute, dispense, transport in, or bring into the state controlled dangerous substances in an amount that would be considered a volume dealer amount after October 1, 2017 , except for individuals as described in 100.7I.

I. A fleeing felon or a parole violator.

100.63 Residents of Institutions

A. Except for the groups listed in section 100.7 (C – G), residents of institutions are not eligible to receive FSP benefits.

B. A person is considered a resident of an institution when that institution provides them with a majority (50% or more) of their meals as part of its normal services.

100.6 Ineligible individuals and Households (continued)

NOTE: See Section 108 (Households with Non-Members) for the treatment of the income and resources of a disqualified or ineligible household member.

100.64 Able Bodied Adults Without Dependents (ABAWDS)

In local jurisdictions that are not exempt from ABAWD requirements, able bodied adults without dependents who must meet work requirements may receive FSP benefits only for 3 months out of 36 if they fail to meet the requirements. (See section 106 of this manual on ABAWDS.)

100.65 Fleeing Felons

A. A person who is fleeing to avoid prosecution, custody or confinement, **after a conviction** for committing a crime or for attempting to commit a crime that is a felony under the law of the place from which the individual is fleeing, or violating a condition of probation or parole imposed under federal or state law is considered a fleeing felon.

B. Both verified parole and probation violators and fleeing felons are ineligible for FSP.

C. Maryland adopted the Federal Four-Part test to establish fleeing felon or parole or probation status for an individual. According to 7CFR 273.11(n), before the local department determines an individual is a fleeing felon, the following four criteria must be met:
   1. There must be a felony warrant for the individual.
   2. The individual has to be aware of, or should have reasonably expected that, a warrant has or would have been issued.
   3. The individual has to have taken some action to avoid being arrested or jailed such as:
      - Moved out of state
      - Frequently changed addresses
      - Used false identities
   4. A law enforcement agency must be actively seeking the individual.

100.7 Special Eligibility Situations

The following persons may make up or be part of the FSP household provided they meet the special requirements described below.

A. **Strikers**

1. Households with a member subject to work registration who is on strike are not eligible for FSP benefits unless they were eligible for benefits on the day prior to the strike (See Section 101).

100.7 Special Eligibility Situations (continued)

1. Households with a member subject to work registration who is on strike are not eligible for FSP benefits unless they were eligible for benefits on the day prior to the strike (See Section 101).

2. Persons who are exempt from work registration are not defined as strikers. Therefore, this policy does not apply to them. In addition, it does not apply to persons locked out from their jobs.

B. **Students**

Students must meet one of the eligibility requirements listed in Section 102 (Students).

C. **Residents of public or private non-profit homeless shelters**

1. If otherwise eligible, residents of homeless shelters may receive FSP benefits, even though the shelter may provide meals.

2. A homeless person is someone who lacks a fixed and regular nighttime residence or a person whose primary nighttime residence is a:

(a) Supervised shelter that provides temporary accommodations, such as a welfare hotel or congregate shelter;

(b) Halfway house or similar residence that provides temporary accommodations for people in the process of leaving an institution;

(c) Temporary accommodation in the residence of another person for no more than 90 days; or

(d) Place not designed for, or ordinarily used as regular sleeping accommodations such as a hallway, a bus station, a lobby, a car, an abandoned building or any similar place.

Example: Mr. A is applying for the FSP. He was recently released from jail and is temporarily staying with his sister until he can find a place to live. He

has lived there for only 10 days. Based on the above definition, he is homeless.

Example: Mr. B is applying for the FSP. He says he is living in a homeless shelter and they provide all his meals. He has no income and does not pay anything to stay at the shelter. He is eligible for FSP benefits.

100.7 Special Eligibility Situations (continued)

D. **Residents of federally subsidized housing for the elderly**

E. **Narcotics addicts or alcoholics in residential treatment**

For the purpose of participation in a drug or alcohol treatment rehabilitation program, the individual must reside at a facility or treatment center. Children living with the individual in the facility are also eligible. The treatment center must be a non-profit (federally exempt) facility. It must also be licensed as providing treatment by a health, mental health, or alcohol abuse agency of the State of Maryland, or be licensed by the Food and Nutrition Service (FNS) as a retailer.

F. **Disabled or blind individuals in a group living arrangement**

1. Disabled or blind individuals who are residents of a group living arrangement (GLA) and who receive any of the following benefits:

   (a) Supplemental Security Income (SSI)

   (b) Retirement Survivor's Disability Insurance (RSDI)

   (c) Disability retirement benefits from a governmental agency because of a disability considered permanent under the Social Security Act

   (d) An annuity payment under the Railroad Retirement Act and determined eligible to receive Medicare by the railroad Retirement Board

   (e) Presumptive eligibility payments pending receipt of SSI

   (f) Federal disability-related Medical Assistance

2. This policy also applies to an individual who is blind or disabled who:

   (a) Is a veteran with a disability rated or paid as total by the Veteran's Administration (VA); or

   (b) Is a veteran considered by the VA to be in need of regular aid and attendance or permanently housebound; or

   (c) Is a surviving spouse or surviving child of a veteran whom the VA has determined to be in need of aid and attendance, is permanently incapable of self-support; or

100.7 Special Eligibility Situations (continued)

(d) Is a surviving spouse or child of a veteran and considered by the VA to be entitled to compensation for a service connected death or pension benefits for a non-service connected death and has a disability considered permanent.

3. The GLA facility must be a non-profit (federally tax-exempt) facility certified by a health, mental health or social service agency of the State of Maryland (See Section 109.2, Other Special Households, for more detailed information on GLAs.)

G. **Women or women and children residing in shelters for battered women and children**

See Section 103 (Shelter Residents) for more detailed information

H. **Elderly and disabled persons living with others who cannot purchase and prepare their own meals because they suffer from a permanent physical disability**

See Section 109.4 (Other Special Households) for more detailed information

I. **FSP recipients convicted of a volume dealer drug offense or drug kingpin offense for a crime committed after August 22, 1996**

1. Recipients with a volume dealer drug conviction-or a drug kingpin conviction for a crime committed after August 22, 1996 are eligible for FSP benefits one year after the date of conviction if, for two years beginning on the later of the date the recipient is released from incarceration, the date the individual completes any term of probation or the date the individual completes any term of parole or mandatory supervision the individual:

   (a) Complies with the Department's substance abuse testing and Substance Abuse Treatment and Services program requirements, and

   (b) Meets all other program financial and technical eligibility factors.

2. individuals who do not comply with testing or treatment are removed from the FSP assistance unit.

   Note: There is no conciliation procedure for FSP applicants or recipients who are convicted drug felons.

3. All resources and income of the excluded individual are counted as accessible to the FSP household.

100.8 Non-Household Members

Do not consider the following individuals household members when determining the household's eligibility for FSP benefits. Non-household members, who are otherwise eligible, may participate as separate households. This does not apply to persons who must be included in the same FSP household.

A. Roomers

Individuals who pay the household for lodging, but not meals, and do not eat with the household.

B. Live-in Attendants

Individuals who reside with a household for the purpose of providing medical, housekeeping, child care or other similar personal services.

100.9 Verification

A. Verify, if questionable, any factors affecting the composition of a household, such as household size and boarder status.

100.9 Verification (continued)

B. Case managers must question all claims of separateness.

C. The burden of proof for establishing separate household status is on the household.

100.10 Designating the Head of Household

A. The members of a household applying for benefits may designate the head of household.

B. The local department:

1. Will make the head of household designation if the household does not.

2. Cannot impose special requirements on the head of household, such as requiring that the head of household appear for appointments at the local department.