



United States
Department of
Agriculture

JAN 26 2010

Food and
Nutrition
Service

3101 Park
Center Drive

Alexandria, VA
22302-1500

SUBJECT: Categorical Eligibility Questions and Answers

TO: Regional Directors
Supplemental Nutrition Assistance Program
All Regions

The attached questions and answers provide guidance on implementing broad-based categorical eligibility. These questions and answers provide additional guidance to the questions and answers released on November 20, 2009.

As explained in previous memos, there are three types of categorical eligibility. Broad-based categorical eligibility refers to the policy that makes most, if not all, households categorically eligible for SNAP because they receive a non-cash TANF/MOE funded benefit or service, such as an informational pamphlet or 800-number. Narrow categorical eligibility describes the policy that makes a smaller number of households categorically eligible for SNAP because they receive a TANF/MOE funded benefit such as child care or counseling. Both narrow and broad-based categorical eligibility are non-cash categorical eligibility. Traditional categorical eligibility refers to the mandatory policy that makes households categorically eligible for SNAP because the household receives TANF, SSI, or general assistance cash benefits.

If you have any questions, please contact Moira Johnston or Sasha Gersten-Paal.

A handwritten signature in black ink, reading "Arthur T. Foley". The signature is written in a cursive style with a large, stylized "A" and "F".

Arthur T. Foley
Director
Program Development Division

Attachment

Questions and Answers

Question 1: Under regular SNAP rules, households with elderly and disabled members are not subject to the gross income test. How are households with elderly and disabled members treated under broad-based categorical eligibility?

Answer 1: In order to be categorically eligible under broad-based categorical eligibility, households with elderly and disabled members are subject to the gross income limit of the TANF program. Households with elderly and disabled members that do not meet the gross income limit of the TANF program may still apply for SNAP under regular program rules. If the household applies under regular program rules, the household will be subject to the resource limit. State agencies have the option of implementing a TANF program that has a different gross income limit for households with elderly and disabled members. For example, a State agency could set the gross income limit of the TANF program that furthers purposes 3 and 4 at 200% of the Federal Poverty Guidelines (FPG) for elderly and disabled households and 130% for all other households. It would be unusual for a household with gross income in excess of 200% of the FPG to meet the net income test at 100%.

Question 2: Can a State agency impose a net income test in the TANF program it uses to confer broad-based categorical eligibility?

Answer 2: Yes, a State agency may impose a net income test in the TANF program it uses to confer broad-based categorical eligibility as long as it is acceptable under TANF rules. The SNAP regulations do not require State agencies to impose a net income test when implementing broad-based categorical eligibility, nor do they prohibit imposing a net income limit with the TANF program used to confer categorical eligibility. The TANF program used to confer categorical eligibility must have a gross income limit no higher than 200% of the FPG if it furthers purposes 3 and 4 of the TANF block grant.

Question 3: Can a State agency impose a net income limit for SNAP purposes if the TANF program used to confer categorical eligibility does not have a net income limit?

Answer 3: If the TANF program does not have a net income limit, the State agency may not impose a net income limit for SNAP purposes; net income must be deemed for categorically eligible households. The State agency does have the option to deny benefits to categorically eligible households of three or more persons if they do not meet the net income limit. The SNAP regulations (7 CFR 273.10(e)(2)(iii)) allow State agencies to deny or suspend the benefits of households with three or more members who are entitled to no benefits.

The State agency may deny the household because its net income exceeds the level at which benefits are issued. The State agency may not deny one or two person categorically eligible households because they are entitled to the minimum benefit.

Question 4: Can a State agency require that a categorically eligible household report if its assets exceed the resource limit of the TANF program?

Answer 4: A State agency must deem resources for all categorically eligible households. A State agency may confer broad-based categorical eligibility with a TANF program that requires households to report if their assets exceed the resource limit of the TANF program. In this situation, once a household reports that its assets exceed the resource limit of the TANF program, the household is no longer eligible for the TANF program. If the household is no longer eligible for the TANF program, it is no longer categorically eligible for SNAP.

Question 5: Can a State agency with simplified reporting require a categorically eligible household to report if its income rises above 130% of Federal Poverty Guidelines (FPG)?

Answer 5: The SNAP reporting requirements under Simplified Reporting apply regardless of categorical eligibility. Categorically eligible households with income below the gross income limit must report when their income rises above the gross income limit (130% of FPG). In States with simplified reporting, categorically eligible households with gross income over the gross income limit have no reporting requirements until they recertify or file a periodic report, whichever comes first. States may choose to require these households to report each time their gross income increases over what the household was certified at or when the household's gross income exceeds the income limits of the program that confers categorical eligibility.

Question 6: In States with simplified reporting, do the reporting requirements of the TANF program apply to the categorically eligible household during the SNAP interim report? Can the TANF program require the categorically eligible household to report at any time during the certification period?

Answer 6: FNS cannot issue any guidance on what reporting requirements States may require under the TANF program. Categorically eligible households are subject to any TANF reporting requirements because their SNAP eligibility is contingent on their eligibility for the TANF program. While the TANF reporting requirements need not be the same as the SNAP reporting requirements for a categorically eligible household, the household is no longer categorically eligible for SNAP if it fails to meet a TANF reporting requirement and the household is no longer eligible for the TANF program.