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Bill Analysis

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Primary Sponsor: Rep. Wiggam

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SUMMARY

- Prohibits the Ohio Department of Job and Family Services (ODJFS) from seeking an exemption from the Supplemental Nutrition Assistance Program (SNAP) benefit time limits that apply to able bodied adults without dependents.
- Requires that certain individuals subject to the SNAP work-related eligibility requirements participate in an ODJFS-established employment and training program.
- Prohibits ODJFS from exercising state options regarding household SNAP income and asset calculation.
- Prohibits SNAP income and asset limits from exceeding the type and allowable amounts permitted by the Secretary of the United States Department of Agriculture.
- Requires that, as a condition of SNAP eligibility, certain individuals cooperate with ODJFS regarding (1) establishing paternity and (2) establishing, modifying, and enforcing a child support order.

DETAILED ANALYSIS

Overview

The Supplemental Nutrition Assistance Program (SNAP), formerly known as the Food Stamp Program, is a federal program administered by states to provide low-income individuals with electronic benefit transfer cards used to purchase food. Eligibility rules and benefit levels are set by the federal government and are generally uniform across the nation. The program is administered in Ohio by the Department of Job and Family Services (ODJFS), pursuant to federal law and regulations promulgated, and policy guidance provided, by the Food and Nutrition

Service in the U.S. Department of Agriculture (USDA).¹ In Ohio, SNAP provides benefits to over 1.3 million people in nearly 700,000 households.² The bill imposes certain requirements and prohibitions on ODJFS in administering SNAP, specifically in the areas of (1) calculating income and asset limits and (2) work-related eligibility requirements.

Income and asset limits

SNAP eligibility and benefits are calculated on a household basis. In order to be eligible for SNAP, household gross monthly income must be at or below 130% of the federal poverty level, and household net monthly income (after specified deductions) must be at or below 100% of the federal poverty level. Income from all sources is generally counted, including all of the following:

- Earned income;
- Unearned income (such as cash assistance);
- Social Security;
- Unemployment;
- Child support.

Additionally, a household's assets must be below \$2,250 for most households, and below \$3,500 if the household has an elderly or disabled member.³ Generally, assets are resources that are available to the household to purchase food, such as funds in bank accounts. Assets that are not accessible, such as retirement savings or real estate, are not counted. The USDA Secretary is tasked with prescribing the types and allowable amounts of financial resources an eligible household may own and sell.⁴

The bill prohibits ODJFS from exercising certain state options regarding calculating household income and assets. Under federal law, states may relax the limits for purposes of determining SNAP eligibility by excluding any additional income and assets the state excludes when determining eligibility for other means-tested benefit programs like cash assistance or Medicaid for low-income parents.⁵ The bill prohibits ODJFS from exercising these state options and provides that the SNAP income and asset limits implemented by ODJFS cannot exceed the types and allowable amounts established by the USDA Secretary.

¹ R.C. 5101.54.

² Caseload Summary Statistics Report, ODJFS, February 2019, available at <http://jfs.ohio.gov/pams/Case-Load-Summary-Report--February-2019.stm>.

³ USDA, letter to SNAP regional directors, *SNAP – Fiscal Year 2019 Cost-of-Living Adjustments*, July 27, 2018, available at <https://fns-prod.azureedge.net/sites/default/files/snap/COLAMemoFY19.pdf>.

⁴ 7 U.S.C. 2014(g)(1).

⁵ 7 U.S.C. 2014; 7 C.F.R. 273.8(e)(19) and 273.9(c)(19).

Categorically eligible households

The bill prohibits ODJFS from considering a household to be categorically eligible if the household receives certain types of income. Under federal law and regulations, certain households are "categorically eligible" for SNAP because the household has already been determined eligible for another means-tested benefit program (for example, if all members of the household receive Supplemental Security Income (SSI) or Temporary Assistance for Needy Families (TANF) assistance). SNAP income and asset requirements are waived for categorically eligible households.⁶ The bill prohibits ODJFS from considering a household categorically eligible if any household member receives any noncash, in-kind, or other similar benefit.⁷ Therefore, the SNAP income and asset requirements will not be waived for those households.

Cooperation with child support agencies

The bill requires ODJFS to exercise one of the state options related to SNAP eligibility. Under federal law, states have the option to exclude certain individuals from SNAP eligibility if they do not cooperate with the state child support agency regarding establishing paternity and establishing, modifying, and enforcing a child support order.⁸ This requirement applies both to "custodial parents" (defined federally as a natural or adoptive parent or other caregiver who lives with his or her minor child) and "non-custodial parents" (a parent who does not live with his or her minor child). The bill requires ODJFS to mandate that, as a condition of SNAP eligibility, these individuals must cooperate with ODJFS regarding (1) establishing paternity and (2) establishing, modifying, and enforcing a child support order.⁹

SNAP work-related eligibility requirements

The bill also includes some prohibitions and requirements pertaining to implementation of the SNAP work-related eligibility requirements, specifically in the area of job-training programs and benefit time limits for able bodied adults without dependents (ABAWDs). In general, SNAP recipients must meet work-related eligibility requirements to remain eligible for the program. The requirements apply to individuals between the ages of 16 and 59 who are not disabled, and include all of the following:

- Accepting a job offer;
- Registering for work;
- Not voluntarily quitting a job or reducing employment hours;

⁶ 7 C.F.R. 273.2(j)(2) and (4).

⁷ R.C. 5101.546(B).

⁸ 7 C.F.R. 273.11(o) and (p).

⁹ R.C. 5101.547.

- Participating in a state-offered SNAP employment and training program, if required by the state.¹⁰

A state may permit recipients to meet the work requirement by a combination of employment and participation in a state-offered SNAP employment and training program.¹¹ The bill requires individuals who are subject to the work-related eligibility requirements to participate in a state-offered employment and training program established by ODJFS. The requirement does not apply to ABAWDs, because they are subject to different work requirements (see "**Able-bodied adults without dependents**" below).¹²

Able-bodied adults without dependents

Additional requirements are imposed on ABAWDs: individuals between the ages of 18 and 49 who have no dependents and are not disabled. ABAWDs can only receive SNAP benefits for up to three months every three years unless one of the following criteria is met:

- The ABAWD works at least 20 hours per week;
- The ABAWD participates in qualifying education and training activities at least 20 hours per week, including a state-offered SNAP employment and training program;
- The ABAWD complies with a workfare program (unpaid work through a state-approved program).

The time limit does not apply to individuals who (1) are unable to work due to physical or mental health reasons, (2) care for a child or incapacitated family member, or (3) are otherwise exempt from the general work-related requirements.¹³

Time limit waiver

The bill prohibits ODJFS from exercising a state option relating to the ABAWD time limits. Under federal laws and regulations, states can apply for a waiver to exempt from the time limit certain areas of the state that have an unemployment rate of over 10% or do not have a sufficient number of jobs for ABAWDs.¹⁴ From 2007-2013, Ohio had a statewide waiver; since that time, Ohio has exercised the waiver option for specific counties. The bill prohibits ODJFS from requesting such a waiver.¹⁵

¹⁰ 7 U.S.C. 2015(d)(1); United States Department of Agriculture, *Supplemental Nutrition Assistance Program (SNAP), Am I Eligible for SNAP?* <https://www.fns.usda.gov/snap/eligibility>.

¹¹ 7 U.S.C. 2015(d)(4)(E).

¹² R.C. 5101.545(B).

¹³ 7 U.S.C. 2015(o); United States Department of Agriculture, *Supplemental Nutrition Assistance Program (SNAP), Able-Bodied Adults Without Dependents (ABAWDs)* <https://www.fns.usda.gov/snap/eligibility>.

¹⁴ 7 U.S.C. 2015(o)(4).

¹⁵ R.C. 5101.545(A).

Rulemaking authority

Continuing law authorizes ODJFS to adopt rules to administer the SNAP program. The bill (1) requires the rules to be consistent with its provisions, and (2) permits ODJFS to adopt further rules, in accordance with the Administrative Procedure Act, as necessary to implement the bill's provisions.¹⁶

HISTORY

Action	Date
Introduced	04-16-19

H0200-I-133/ec

¹⁶ R.C. 5101.54(A)(7) and (8) and 5101.548.