

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rule making related to five-year review of rules

The Human Services Department hereby amends Chapter 65, “Food Assistance Program Administration,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 234.6.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 234.6 and 7 CFR Part 273.

Purpose and Summary

The rules in Chapter 65 were reviewed as part of the Department’s five-year rules review.

This rule making:

- Changes the name of the program from Food Assistance (FA) to the federal Supplemental Nutrition Assistance Program (SNAP).
- Removes obsolete form names and numbers.
- Updates the rules with current requirements for verifying expenses, how the expenses are calculated, and how the Department acts on reported changes.
- Removes specific dollar amounts of reporting requirements and deductions and replaces those amounts with information about how the deduction or reporting requirement is determined.
- Updates the employment and training section with current information about who is eligible to receive services and how those services are managed.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on June 29, 2022, as **ARC 6394C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Council on Human Services on September 14, 2022.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on December 1, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend **441—Chapter 65**, title, as follows:

~~FOOD~~ SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM ADMINISTRATION

ITEM 2. Amend **441—Chapter 65**, preamble, as follows:

PREAMBLE

The basis for the ~~food assistance program~~ Supplemental Nutrition Assistance Program (SNAP) is as provided in Title 7 of the Code of Federal Regulations. The purpose of this chapter is to provide for adoption of new and amended federal regulations as they are published, to establish a legal basis for Iowa's choice of administrative options when administrative options are given to the state in federal regulations, to implement the policy changes that the United States Department of Agriculture (USDA) directs states to implement that are required by law but are not yet included in federal regulations, and to implement USDA-approved demonstration projects and waivers of federal regulations.

ITEM 3. Amend rule 441—65.1(234) as follows:

441—65.1(234) Definitions.

"Department" means the Iowa department of human services.

"Food assistance" ~~means benefits provided by the federal program administered through Title 7, Chapter II of the Code of Federal Regulations, Parts 270 through 283.~~

"Notice of expiration" means either a message printed on an ~~application for continued program participation, Review/Recertification Eligibility Document (RRED), Form 470-2881, which is automatically issued to the household, or a hand-issued Form 470-0325, Notice of Expiration.~~

"Parent" means natural, legal, or stepmother or stepfather.

"Sibling" means biological, legal, step-, half-, or adoptive brother or sister.

"Supplemental Nutrition Assistance Program" or "SNAP" means benefits provided by the federal program administered through 7 CFR Parts 270 through 283 as amended to May 2, 2022.

ITEM 4. Amend subrule 65.2(1) as follows:

65.2(1) Application filing. Persons in need of ~~food assistance~~ SNAP benefits may file an application in person at any local department office in Iowa or over the Internet by mail, by fax, or online.

a. An application is filed the day a local department office receives an application for ~~food assistance~~ SNAP benefits that contains the applicant's name and address and is signed by either a responsible member of the household or the household's authorized representative. The application ~~may~~ must be filed on: Form 470-0462 or 470-0462(S). Applying through the self-service portal constitutes submission of this application.

~~(1) Form 470-0306 or 470-0307 (Spanish), Application for Food Assistance;~~

~~(2) Form 470-0462 or Form 470-0466 (Spanish), Health and Financial Support Application; or~~

~~(3) Form 470-4080 or 470-4080(S), Electronic Food Assistance Application.~~

b. When an application is ~~delivered~~ submitted to a closed office, it will be considered received on the first day that is not a weekend or state holiday following the day that the office was last open. An electronic application received outside of normal business hours is considered received on the first department workday following the date the department office received the application.

~~e.~~ A household shall complete a Health and Financial Support Application when any person in the household is applying for or receiving aid through the family investment program, family medical assistance program (FMAP) related Medicaid, or the refugee resettlement assistance programs.

~~d. c.~~ The application is complete when a completed application form is submitted. If an incomplete application form is submitted, the application cannot be processed until a completed form is received.

~~e. d.~~ Households receiving food assistance SNAP benefits in Iowa may apply for continued participation by submitting Form 470-2881, Review/Recertification Eligibility Document.

ITEM 5. Amend rule 441—65.3(234) as follows:

441—65.3(234) Administration of program. ~~The food assistance program SNAP shall be administered in accordance with the Food and Nutrition Act of 2008, 7 U.S.C. 2011 et seq., and in accordance with federal regulation, Title 7, Parts 270 through 283 7 CFR Parts 270 through 283 as amended to June 19, 2006 May 2, 2022.~~ A copy of the federal law and regulations may be obtained at no more than the actual cost of reproduction by contacting the Division of Financial, ~~Health Food~~, and Work Supports, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114, ~~(515)281-3133~~.

ITEM 6. Amend rule 441—65.4(234), introductory paragraph, as follows:

441—65.4(234) Issuance. The department shall issue ~~food assistance~~ SNAP benefits by electronic ~~benefits~~ benefit transfer (EBT) cards.

ITEM 7. Amend rule 441—65.5(234) as follows:

441—65.5(234) Simplified reporting.

65.5(1) and 65.5(2) No change.

65.5(3) Certification periods. Households shall be certified as follows:

a. and *b.* No change.

c. Exceptions:

(1) A household that has unstable circumstances or that includes an able-bodied adult without dependents shall be assigned a shorter certification period consistent with the household's circumstances, but ~~generally~~ no less than ~~three~~ four months.

(2) A shorter certification period may be assigned at application or recertification to match the ~~food assistance~~ SNAP recertification date to the family investment program (FIP) or medical assistance annual review date.

65.5(4) Reporting responsibilities. Simplified reporting households are required to report changes as follows:

a. and *b.* No change.

c. The household shall report if a member wins substantial lottery or gambling winnings. Substantial winnings are defined as a cash prize equal to or greater than the maximum allowable financial resource limit for elderly or disabled households. The household must report this change within ten days of the end of the month in which the winning occurs.

~~65.5(5) Verification submitted with report form. Rescinded IAB 9/10/08, effective 10/1/08.~~

~~65.5(6) Additional information and verification. Rescinded IAB 9/10/08, effective 10/1/08.~~

~~65.5(7) Action on reported changes. The department shall act on all reported changes for households regardless of the household's reporting requirements.~~

~~65.5(8) Entering or leaving simplified reporting. Rescinded IAB 9/10/08, effective 10/1/08.~~

~~65.5(9) Reinstatement. Rescinded IAB 9/10/08, effective 10/1/08.~~

ITEM 8. Amend rule 441—65.8(234) as follows:

441—65.8(234) Deductions.

65.8(1) Standard allowance for households with heating or air-conditioning expenses. When a household is receiving heating or air-conditioning service for which it is required to pay all or part of

the expense or receives assistance under the Low-Income Home Energy Assistance Act (LIHEAA) of 1981, the heating or air-conditioning standard shall be allowed.

a. No change.

b. Effective October 1, ~~2013~~ 2021, ~~five~~ four dollars will be subtracted from this amount to allow for cost neutrality necessary for the standard medical expense deduction.

65.8(2) to 65.8(4) No change.

65.8(5) *Standard allowance for households without heating or air-conditioning expenses.* When a household is receiving some utility service other than heating or air-conditioning for which it is responsible to pay all or part of the expense, the nonheating or air-conditioning standard shall be allowed. These utility expenses cannot be solely for telephone.

a. No change.

b. Effective October 1, ~~2013~~ 2021, ~~five~~ four dollars will be subtracted from this amount to allow for cost neutrality necessary for the standard medical expense deduction.

65.8(6) No change.

65.8(7) *Excess medical expense deduction.* Notwithstanding anything to the contrary in these rules or regulations, at certification, households having a member eligible for the excess medical expense deduction shall be allowed to provide verification of expenses so that a reasonable projection of the member's medical expenses anticipated to occur during the household's certification period can be made. The household may choose to claim actual expenses or to use the standard medical expense deduction.

a. No change.

b. *Standard medical expense.*

(1) A household may choose a standard medical expense deduction of ~~\$105~~ if the household incurs more than \$35 per month in medical expenses.

(2) No change.

(3) The amount of the standard medical expense deduction must be approved by the Food and Nutrition Service of the U.S. Department of Agriculture. The amount of the standard is reviewed periodically and adjustments are requested when needed.

~~e. Rescinded IAB 8/1/07, effective 10/1/07.~~

65.8(8) *Child support payment deduction.* ~~Rescinded IAB 5/2/01, effective 6/1/01.~~ A household may receive a deduction equal to the amount paid for legally obligated child support.

65.8(9) *Standard deduction.* Each household will receive a standard deduction from income ~~equal to 8.31 percent of the net income limit for food assistance eligibility. No household will receive an amount less than \$144 or more than 8.31 percent of the net income limit for a household of six members based on a formula set forth in regulations at 7 CFR 273.9(d) as amended to May 2, 2022.~~ The amount of the standard deduction is adjusted for inflation annually as directed by the Food and Nutrition Service of the U.S. Department of Agriculture.

~~**65.8(10)** *Sharing utility standards.* Rescinded IAB 9/4/02, effective 10/1/02.~~

~~**65.8(11)** *Excess shelter cap.* Rescinded IAB 5/2/01, effective 6/1/01.~~

65.8(10) *Homeless standard deduction.* A household in which all members are homeless may choose the homeless standard deduction in place of the shelter and utility expenses deduction.

a. Households choosing this option are not required to verify shelter-related expenses.

b. Households choosing this option are not eligible to receive a shelter or utility deduction.

c. The amount of the homeless standard deduction is determined by the Food and Nutrition Service of the U.S. Department of Agriculture and adjusted annually.

This rule is intended to implement Iowa Code section 234.12.

ITEM 9. Amend rule 441—65.9(234) as follows:

441—65.9(234) Treatment centers and group living arrangements. Alcohol or drug treatment or rehabilitation centers and group living arrangements shall ~~complete Form 470-2724, Monthly Facility Report, provide a list of participating residents to the department on a monthly basis and return the form to the local department office where the center is assigned.~~

ITEM 10. Amend rule 441—65.13(234) as follows:

441—65.13(234) Joint processing.

65.13(1) *Joint processing with SSI.* The department will handle joint processing of supplemental security income and ~~food assistance~~ SNAP applications by having the social security administration complete and forward ~~food assistance~~ SNAP applications.

65.13(2) *Joint processing with public assistance.* The department shall jointly process public assistance and ~~food assistance~~ SNAP applications.

65.13(3) *Single interview for assistance.* In joint processing of public assistance and ~~food assistance~~ SNAP applications, the department shall conduct a single interview at initial application for both purposes.

ITEM 11. Amend rule 441—65.16(234) as follows:

441—65.16(234) Complaint system. Clients wishing to file a formal written complaint concerning the ~~food assistance program~~ SNAP may submit Form 470-0323, or 470-0323(S), ~~Food Assistance Complaint~~, to the office of field support. Department staff shall encourage clients to use the form.

ITEM 12. Amend rule 441—65.20(234) as follows:

441—65.20(234) Notice of expiration issuance. Issuance of the automated Notice of Expiration will occur with the mailing of Form 470-2881, 470-2881(M), 470-2881(S), or 470-2881(MS).

~~65.20(1) Issuance of the automated Notice of Expiration will occur with the mailing of Form 470-2881, 470-2881(M), 470-2881(S), or 470-2881(MS), Review/Recertification Eligibility Document (RRED), or a hand-issued Form 470-0325, Notice of Expiration.~~

~~65.20(2) Issuance of the Notice of Expiration, Form 470-0325, will occur at the time of certification if the household is certified for one month, or for two months, and will not receive the automated Notice of Expiration.~~

ITEM 13. Amend rule 441—65.21(234) as follows:

441—65.21(234) Claims.

65.21(1) No change.

~~65.21(2) *Suspension status.* Rescinded IAB 7/1/98, effective 8/5/98.~~

~~65.21(3) *Application of restoration of lost benefits.* Rescinded IAB 3/6/02, effective 5/1/02.~~

65.21(4) 65.21(2) *Demand letters.* Households that have ~~food assistance~~ SNAP claims shall return the repayment agreement no later than 20 days after the date the demand letter is mailed.

a. and b. No change.

65.21(5) 65.21(3) *Adjustments for claim repayment.* A household or authorized representative may initiate a claim repayment by using benefits in an EBT account. The client or authorized representative shall complete Form 470-2574, ~~EBT Adjustment Request~~, to authorize adjustments to a household's EBT account.

~~65.21(6) *Collection of claims.* Rescinded IAB 5/30/01, effective 8/1/01.~~

ITEM 14. Amend subrule 65.22(1) as follows:

65.22(1) *Required verification.*

a. Income. Households shall be required to verify income at time of application, recertification and when income is reported or when income changes with the following exceptions:

~~1- (1)~~ Households are not required to verify the public assistance grant.

~~2- (2)~~ Households are not required to verify ~~job~~ unemployment insurance benefits when the information is available to the department from the department of employment services.

~~3- (3)~~ Households are only required to verify interest income at the time of application and recertification.

(4) If the reported income does not meet federal requirements for acting on changes during the certification period, verification will not be required until the next certification.

b. Dependent care costs. ~~Rescinded IAB 3/10/10, effective 2/10/10.~~ Households shall be required to verify dependent care costs at the time of application and recertification.

c. No change.

d. Shelter costs. ~~Rescinded IAB 3/10/10, effective 2/10/10.~~ Households shall be required to verify shelter costs at the time of application, recertification, or when an address change is reported.

e. Utilities. ~~Rescinded IAB 3/10/10, effective 2/10/10.~~ Households shall be required to verify utility costs at the time of application, recertification, or when an address change is reported.

f. Telephone expense. ~~Rescinded IAB 5/2/01, effective 6/1/01.~~ Households shall be required to verify telephone costs at the time of application and recertification.

g. Child support payment deduction. Households shall be required to verify legally obligated child support and child medical support payments made to a person outside of the ~~food assistance~~ SNAP household only at certification and recertification and whenever the household reports a change.

ITEM 15. Amend subrule 65.22(3) as follows:

65.22(3) Special verification procedures. Persons whose applications meet the initial criteria for error-prone cases may be subject to special verification procedures, including a ~~second~~ face-to-face interview and additional documentation requirements in accordance with department of inspections and appeals' rules in 481—Chapter 72.

~~Clients are required~~ Failure to cooperate with the investigation investigations division of the department of inspections and appeals in establishing eligibility factors, including attending requested interviews. Refusal to cooperate will not result in denial or cancellation of the household's food assistance SNAP benefits. Once denied or terminated for refusal to cooperate, the household may reapply but shall not be determined eligible until cooperation occurs. The investigations division will gather as much information as possible without the client's cooperation. If further information is needed based on those findings, a request for information must be sent to the household.

ITEM 16. Amend rule 441—65.24(234) as follows:

441—65.24(234) Inclusion of foster children in household. Foster children living with foster parents will not be considered to be members of the ~~food assistance~~ SNAP household unless the household elects to include the foster children in the household. Foster care payments received for foster children not included in the household will be excluded from the income of the household receiving the payment.

ITEM 17. Amend rule 441—65.25(234) as follows:

441—65.25(234) Effective date of change. A ~~food assistance~~ SNAP change caused by, or related to, a public assistance grant change will have the same effective date as the public assistance change.

ITEM 18. Amend rule 441—65.27(234) as follows:

441—65.27(234) Voluntary quit or reduction in hours of work.

65.27(1) Applicant households. A member of an applicant household who without good cause voluntarily quits a job or reduces hours of work to less than 30 hours weekly within 30 days before the date the household applies for benefits shall be disqualified from participating in ~~the food assistance program~~ SNAP according to the provisions of paragraphs ~~65.28(12)“a”~~ 65.28(10)“a” and “b.”

65.27(2) Participating individuals. Participating individuals are subject to the same disqualification periods as provided under subrule ~~65.28(12)~~ 65.28(10) when the participating individuals voluntarily quit employment without good cause or voluntarily reduce hours of work to less than 30 hours per week, beginning with the month following the adverse notice period.

ITEM 19. Amend rule 441—65.28(234) as follows:

441—65.28(234) Work requirements.

65.28(1) Persons required to register. Each household member who is not exempt by subrule 65.28(2) shall be registered for employment at the time of application, and once every 12 months after initial registration, as a condition of eligibility. Registration is accomplished when the applicant signs

an application form that contains a statement that all members in the household who are required to register for work are willing to register for work. This signature registers all members of that food assistance SNAP household that who are required to register.

65.28(2) to 65.28(6) No change.

65.28(7) *Employment and training (E&T) program.* The department shall design and operate an employment and training program with the purpose of providing SNAP participants opportunities to gain skills, training, work, or experience that will increase their ability to obtain regular employment and meet state or local workforce needs in accordance with the Food and Nutrition Act of 2008, 7 U.S.C. 2011 et seq.

a. The employment and training program for food assistance recipients is designed to assist serves individuals who are:

(1) Persons who have lost jobs or are underemployed and who need new skills in order to reenter the workplace because there are no jobs available for which the persons are trained SNAP recipients or SNAP applicants.

(2) Persons who have been out of the workforce for a period of time to regain licensure or certification in an area in which they are already trained Not receiving FIP assistance or other cash assistance under Title IV such as Tribal Temporary Assistance for Needy Families (TANF) or Refugee Cash Assistance.

(3) Persons who wish to upgrade their employment for better wages and benefits Physically and mentally able to work or will be able to work within the next one year.

b. The department or its designee shall serve as the provider of employment and training services for food assistance SNAP recipients who wish to volunteer, except for those who are also recipients of family investment program (FIP) FIP benefits. Federal law prohibits FIP recipients from participating in any food assistance SNAP employment and training program.

c. The program offers a range of services from basic skills to advanced occupational training in order to accommodate persons with various levels of need and abilities. The department or its designee may require a volunteer potential E&T participant to engage in aptitude or vocational testing activities when deemed necessary to determine if a component is appropriate for improving the volunteer's opportunity for employment employability.

d. The E&T program shall be designed in consultation with the state workforce development board, or with private employers or employer organizations if the department determines the latter approach is more effective and efficient.

(1) The E&T program shall be designed to include case management services and at least one or more, or a combination of, employment and training components.

(2) An E&T plan shall be submitted to the Food and Nutrition Service (FNS) of the U.S. Department of Agriculture annually in accordance with 7 CFR 273.7(c)(6) as amended to May 2, 2022, and shall be amended as necessary within the required time frame prior to implementation.

65.28(8) *Employment and training components.* All E&T participants shall be provided case management services and at least one employment and training component in accordance with 7 CFR 237.7(e) as amended to May 2, 2022. Employment and training components include individual job search, job club, educational services, and job retention services. The department or its designee shall offer employment and training components subject to the availability of sufficient funding to cover program costs. Availability of components may vary among the areas where employment and training are offered shall be provided as approved in the most recent FNS-approved E&T state plan.

a. Individual job search. The individual job search shall be modeled after the family investment program's PROMISE JOBS individual job search component, as described at 441—subrule 93.6(2).

b. Job club. The employment and training job club shall be modeled after the family investment program's PROMISE JOBS job club, as described at 441—subrule 93.6(1).

c. Educational services. Educational services offered shall include general educational development (GED), adult basic education (ABE), English as a second language (ESL), and vocational training or educational opportunities limited to a two-year college degree. Educational services may

include, but are not limited to, obtaining continuing education credit hours needed for a recipient to become recertified or to renew licensure for a profession.

d. Job retention services. Job retention services are intended to provide needed assistance with costs associated with beginning employment. Services are available only to persons who have received employment or training services under this subrule. Job retention services will be offered up to 90 days after the person secures employment. Services may include payment of:

(1) A transportation allowance of \$50 per month for round-trip travel of 50 miles or less or \$100 per month for round-trip travel of 51 miles or more.

(2) The cost of testing, certification, licensing, bonding, or legal services required for employment.

(3) The cost of equipment, tools, uniforms, or other special clothing required by the job.

(4) Other reasonable and necessary costs related to starting and retaining employment.

~~65.28(9) Exemptions from employment and training programs.~~ Rescinded IAB 5/5/10, effective 4/15/10.

~~65.28(10) Time spent in an employment and training program.~~ Rescinded IAB 5/5/10, effective 4/15/10.

~~65.28(11) 65.28(9) Supportive services.~~ Program participants shall be provided with services necessary to complete an employment and training component to the extent allowable under federal regulations at 7 CFR 237.7(e)(4) as amended to January 1, 2009, and to the extent there is sufficient funding to cover the costs. The department shall provide participant reimbursements for expenses that are reasonable and necessary and directly related to participation in the E&T program. Supportive services shall be provided to the extent allowable under federal regulations at 7 CFR 237.7(d)(4) as amended to May 2, 2022, and as approved in the most recent FNS-approved E&T state plan and to the extent there is sufficient funding to cover the costs.

~~a. The department shall provide participants in employment and training components an allowance for costs of transportation or other costs reasonably necessary and directly related to participation in the components as follows:~~

~~(1) A transportation allowance of \$50 per month for round-trip travel of 50 miles or less or \$100 per month for round-trip travel of 51 miles or more.~~

~~(2) Reasonable and necessary costs of attending a specific course of study, such as tuition, books, fees, training manuals, tools, equipment, uniforms and special clothing, safety items, and other items that all students in the course are required to have.~~

~~b. The department may authorize the employment and training service provider to reimburse the provider of care directly for the costs of dependent care expenses that the employment and training service provider determines to be necessary for the participation of a person in the components.~~

~~(1) Reimbursement for dependent care shall be authorized only to the extent that another source is not available to provide the care at no cost to the employment and training program and shall be based on the child care assistance program reimbursement rates as described at 441—paragraph 170.4(7)“a.”~~

~~(2) The caretaker relative of a dependent in a family receiving FIP is not eligible for the dependent care reimbursement.~~

~~65.28(12) 65.28(10) Failure to comply.~~ This subrule applies only to persons who are mandatory work registrants as required by subrule 65.28(1).

~~a. When a person has refused or failed without good cause to comply with the work registration requirements in this rule, that person shall be ineligible to participate in the food assistance program SNAP as follows:~~

~~(1) to (3) No change.~~

~~b. No change.~~

~~65.28(13) 65.28(11) Noncompliance with comparable requirements.~~ The department shall treat a mandatory work registrant's failure to comply with an unemployment compensation requirement that is comparable to a food assistance SNAP work registration requirement as a failure to comply with the corresponding food assistance SNAP requirement. Disqualification procedures in subrule ~~65.28(12)~~ 65.28(10) shall be followed.

~~65.28(14)~~ **65.28(12)** *Ending disqualification.* Following the end of the disqualification periods for noncompliance and as provided in rules 441—65.27(234) and 441—65.28(234), participation may resume.

a. to c. No change.

~~65.28(15)~~ **65.28(13)** *Suitable employment.* Employment shall be considered unsuitable if:

a. to e. No change.

~~65.28(16)~~ **65.28(14)** *Applicants for supplemental security income (SSI) and food-assistance SNAP.* Household members who are jointly applying for SSI and for food-assistance SNAP shall have the requirements for work registration waived until:

a. and b. No change.

~~65.28(17)~~ **65.28(15)** *Determining good cause.* The department or its designee shall determine whether good cause exists for failure to comply with the work registration, employment and training, and voluntary quit requirements in 441—Chapter 65. In determining whether good cause exists, the facts and circumstances shall be considered, including information submitted by the household member involved and the employer.

Good cause shall include circumstances beyond the member's control, such as, but not limited to, illness of the registrant or of another household member requiring the presence of the registrant, a household emergency, the unavailability of transportation, or the lack of adequate child care for children who have reached age 6 but are under age 12.

~~65.28(18)~~ **65.28(16)** *Measuring the three-year period for able-bodied nonexempt adults without dependents.* The three-year period as provided for in federal regulations at 7 CFR 273.24 as amended to ~~June 19, 2002~~ May 2, 2022, starts on December 1, 2002, and ends November 30, 2005. Subsequent three-year periods start with the month of December following the end of the previous period.

~~65.28(19)~~ **65.28(17)** *Mini-simplified food-assistance program SNAP.*

a. Scope. The department operates a mini-simplified food-assistance program SNAP for households that:

- (1) Also receive benefits under the family investment program FIP; and
- (2) Include a parent who is exempt from food-assistance SNAP requirements for work registration due to caring for a child under the age of six.

b. Effect. The mini-simplified food-assistance program SNAP allows replacement of certain food assistance program SNAP work rules with work rules of the Temporary Assistance to Needy Families TANF program. The value of the household's monthly food-assistance SNAP benefits shall be combined with the household's monthly family investment program FIP benefit amount to determine the maximum number of hours the department can require a household member under the family investment program FIP to participate in an unpaid work activity that is subject to the federal Fair Labor Standards Act. Maximum required hours of participation for a month are determined by dividing the total amount of benefits by the state or federal minimum wage, whichever wage is higher.

ITEM 20. Amend rule 441—65.29(234) as follows:

441—65.29(234) Income.

65.29(1) *Self-employment income.* "Self-employment income" means the net profit from self-employment.

a. Determination of net profit. "Net profit from self-employment" means gross self-employment income less:

- (1) No change.
- (2) At the household's request, actual allowable expenses as specified in federal regulations at 7 CFR 273.11 as amended to ~~January 1, 2011~~ May 2, 2022.

b. No change.

65.29(2) *Job Unemployment insurance benefits.* ~~When the department of human services uses information provided by the department of workforce development to verify job insurance benefits, the benefits shall be considered received the second day after the date that the check was mailed. When the second day falls on a Sunday or federal legal holiday, the time shall be extended to the next mail~~

delivery day. The department shall verify unemployment insurance benefits by using information supplied by the department of workforce development.

When the client notifies the agency that the amount of ~~job~~ unemployment insurance benefits used is incorrect, the client shall be allowed to verify the discrepancy. A benefit adjustment shall be made when indicated. ~~The client must report the discrepancy before the benefit month or within ten days of the date on the Notice of Decision, Form 470-0485, 470-0486, or 470-0486(S), applicable to the benefit month, whichever is later, in order to receive corrected benefits.~~

~~65.29(3) Exclusion of income from 2000 census employment. Rescinded IAB 9/4/02, effective 10/1/02.~~

~~65.29(4)~~ **65.29(3)** *Interest income.* Prorate interest income by dividing the amount anticipated during the certification period by the number of months in the certification period.

~~65.29(5)~~ **65.29(4)** *Social security plans for achieving self-support (PASS).* Notwithstanding anything to the contrary in these rules or regulations, exclude income amounts necessary for fulfillment of a plan for achieving self-support (PASS) under Title XVI of the Social Security Act.

~~65.29(6)~~ **65.29(5)** *Student income.* In determining eligibility, the department shall exclude educational income, including any educational loans on which payment is deferred, grants, scholarships, fellowships, veterans' educational benefits, and the like excluded under Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); for the state's modified adjusted gross income (MAGI)-related medical assistance program, subject to paragraph 65.29(5) "d."

a. to c. No change.

d. Certain types of student income must be treated as follows, regardless of how they are considered for MAGI-related medical assistance.

(1) Wages may not be excluded.

(2) Federally funded work study is excluded.

(3) State-funded work study is excluded up to the amount earmarked for educational expenses.

~~65.29(7) Elementary and high school student income. Rescinded IAB 5/2/01, effective 6/1/01.~~

~~65.29(8) Vendor payments. Rescinded IAB 5/2/01, effective 6/1/01.~~

~~65.29(9) HUD or FmHA utility reimbursement. Rescinded IAB 5/2/01, effective 6/1/01.~~

~~65.29(10)~~ **65.29(6)** *Welfare reform and regular household honorarium income.* All moneys paid to a ~~food assistance~~ SNAP household in connection with the welfare reform demonstration longitudinal study or focus groups shall be exempted.

~~65.29(11)~~ **65.29(7)** *Income of ineligible aliens.* The department shall use all but a ~~pro-rata~~ pro rata share of ineligible aliens' income and deductible expenses to determine eligibility and benefits of any remaining household members.

~~65.29(12)~~ **65.29(8)** *Unearned income.* Unearned income is any income in cash that is not gained by labor or service. When taxes are withheld from nongovernment sources of unearned income, the amount considered will be the net income after the withholding of taxes (Federal Insurance Contribution Act, state and federal income taxes). Net unearned income shall be determined by deducting reasonable income-producing costs from the gross unearned income. Money left after this deduction shall be considered gross income available to the household.

ITEM 21. Amend subrule 65.30(2) as follows:

~~65.30(2) Resource limit. The resource limit for a household that includes a person aged 60 or over or a disabled person is \$3000. The resource limit for other households is \$2000. These amounts limits follow federal regulations at 7 CFR 273.8(b) as amended to May 2, 2022, and are adjusted for inflation annually as directed by the Food and Nutrition Service of the U.S. Department of Agriculture.~~

ITEM 22. Amend subrule 65.30(3) as follows:

65.30(3) Resources of SSI and FIP household members. Notwithstanding anything to the contrary in these rules or in federal regulations, all resources of SSI or FIP recipients are excluded. For ~~food assistance~~ SNAP purposes, those members' resources, if identified, cannot be included when a household's total resources are calculated.

ITEM 23. Amend paragraph **65.30(4)“a”** as follows:

a. The person receiving the EITC was participating in ~~the food assistance program~~ SNAP at the time the credits were received; and

ITEM 24. Amend subrule 65.30(5) as follows:

65.30(5) Student income. Exclude from resources any income excluded by subrule ~~65.29(6)~~ 65.29(5).

ITEM 25. Amend subrule 65.30(6) as follows:

65.30(6) Motor vehicles. One motor vehicle per household shall be excluded without regard to its value. The value of remaining motor vehicles shall be determined using federal regulations at 7 CFR 273.8, as amended to ~~April 29, 2003~~ May 2, 2022.

ITEM 26. Amend rule 441—65.31(234) as follows:

441—65.31(234) Homeless meal providers. When a local office of the department is notified that an establishment or shelter has applied to be able to accept ~~food assistance~~ SNAP benefits for homeless persons, staff shall obtain a written statement from the establishment or shelter. The statement must contain information on how often meals are served by the establishment or shelter, the approximate number of meals served per month, and a statement that the establishment or shelter does serve meals to homeless persons. This information must be dated and signed by a person in charge of the administration of the establishment or shelter and give the person’s title or function with the establishment.

The establishment or shelter shall cooperate with agency staff in the determination of whether or not meals are served to the homeless.

ITEM 27. Amend rule 441—65.37(234) as follows:

441—65.37(234) Eligibility of noncitizens. The following groups of aliens who are lawfully residing in the United States and are otherwise eligible are eligible for ~~food assistance~~ SNAP benefits:

65.37(1) Aliens who are receiving benefits or assistance for blindness or disability as specified in 7 CFR 271.2, as amended to ~~April 6, 1994~~ May 2, 2022, regardless of their immigration date.

65.37(2) and 65.37(3) No change.

65.37(4) Aliens aged 18 or under, regardless of their immigration date. The department shall exclude the income and resources of a sponsor when determining ~~food assistance~~ SNAP eligibility and benefits for an alien aged 18 or under.

ITEM 28. Amend rule 441—65.39(234) as follows:

441—65.39(234) Categorical eligibility.

65.39(1) Notwithstanding anything to the contrary in these rules or in federal regulations, a household in which all members are recipients of a state or local general assistance (GA) program is subject to categorical eligibility provisions of ~~the food assistance program~~ SNAP provided that the state or local program:

a. Has income limits at least as stringent as the ~~food assistance~~ SNAP gross income test; and

b. No change.

65.39(2) Notwithstanding anything to the contrary in these rules or in federal regulations, a household is subject to categorical eligibility provisions of ~~the food assistance program~~ SNAP for any month in which the household is determined eligible for the Iowa promoting healthy marriage program pursuant to rule 441—47.2(234).

ITEM 29. Amend rule 441—65.46(234) as follows:

441—65.46(234) Disqualifications. Notwithstanding anything to the contrary in these rules, ~~food assistance program~~ SNAP violation disqualifications for persons who are not participating in ~~the food assistance program~~ SNAP shall be imposed in the same manner as program violation disqualifications are imposed for persons who are participating in ~~the food assistance program~~ SNAP.

65.46(1) No change.

65.46(2) *Conviction on trafficking in ~~food assistance~~ SNAP benefits.* The penalty for any individual convicted of trafficking in ~~food assistance~~ SNAP benefits of \$500 or more shall be permanent disqualification.

65.46(3) *Receiving or attempting to receive multiple benefits.* An individual found to have made a fraudulent statement or representation with respect to identity or residency in order to receive multiple benefits shall be ineligible to participate in ~~the food assistance program~~ SNAP for a period of ten years.

~~**65.46(4)** *Fleeing felons and probation or parole violators.* Rescinded IAB 10/3/01, effective 10/1/01.~~

~~**65.46(5)**~~ **65.46(4)** *Conviction of trading firearms, ammunition or explosives for benefits.* The penalty for any individual convicted of trading firearms, ammunition or explosives for ~~food assistance~~ SNAP benefits shall be permanent disqualification.

ITEM 30. Amend rule 441—65.50(234) as follows:

441—65.50(234) No increase in benefits. When a household's means-tested federal, state, or local public assistance cash benefits are reduced because of a failure to perform an action required by the public assistance program, the department shall reduce the household's ~~food assistance~~ SNAP benefit allotment by 10 percent as provided for in federal regulations at 7 CFR 273.11(j), (k), and (l) as amended to ~~June 1, 2001~~ May 2, 2022, for the duration of the other program's penalty.

ITEM 31. Amend rule 441—65.51(234) as follows:

441—65.51(234) State income and eligibility verification system. The department shall maintain and use an income and eligibility verification system (IEVS) as specified in 7 CFR 272.8 as amended to ~~November 21, 2000~~ May 2, 2022.

ITEM 32. Amend rule 441—65.52(234) as follows:

441—65.52(234) Systematic alien verification for entitlements (SAVE) program. The department shall participate in the SAVE program established by the ~~U.S. Bureau of Citizenship and Immigration Service (BCIS)~~ U.S. Citizenship and Immigration Services (USCIS) as specified in 7 CFR 272.11 as amended to ~~November 21, 2000~~ May 2, 2022, in order to verify the validity of documents provided by aliens applying for ~~food assistance~~ SNAP benefits with the central data files maintained by ~~BCIS~~ USCIS.

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