

TITLE VII
FOOD PROGRAMS
CHAPTER 65
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM ADMINISTRATION

[Prior to 7/1/83, Social Services[770] Ch 65]

[Prior to 2/11/87, Human Services[498]]

PREAMBLE

The basis for the 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.

[ARC 6558C, IAB 10/5/22, effective 12/1/22]

DIVISION I

441—65.1(234) Definitions.

“*Department*” means the Iowa department of human services.

“*Notice of expiration*” means a message printed on Form 470-2881, which is automatically issued to the household.

“*Parent*” means natural, legal, or stepmother or stepfather.

“*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.

[ARC 6558C, IAB 10/5/22, effective 12/1/22]

441—65.2(234) Application.

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

a. An application is filed the day a local department office receives an application for 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 must be filed on Form 470-0462 or 470-0462(S). Applying through the self-service portal constitutes submission of this application.

b. When an application is 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.

c. If an incomplete application form is submitted, the application cannot be processed until a completed form is received.

d. Households receiving SNAP benefits in Iowa may apply for continued participation by submitting Form 470-2881.

65.2(2) *Failure to provide verification.* When a household files an initial application and the department requests additional verification, the applicant shall have ten days to provide the requested verification. If the applicant fails to provide the verification within ten days, the department may deny the application immediately. If the applicant provides the department with the requested verification prior to the thirtieth day from the date of application, the department shall reopen the case and provide benefits from the date of application. If the household provides the verification in the second 30 days after the date of the application, the department shall reopen the case and provide benefits from the date the verification was provided.

[ARC 6558C, IAB 10/5/22, effective 12/1/22]

441—65.3(234) Administration of 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 7 CFR Parts 270 through 283 as amended to 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, Food, and Work Supports, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114.

[ARC 6558C, IAB 10/5/22, effective 12/1/22]

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

65.4(1) Schedule. Benefits for ongoing certifications shall be made available to households on a staggered basis during the first ten calendar days of each month.

65.4(2) EBT cards. EBT cards shall be mailed to recipients except in the event of a disaster. In the event of a disaster, disaster EBT cards will be distributed through the local office.

[ARC 8500B, IAB 2/10/10, effective 3/1/10; ARC 4573C, IAB 7/31/19, effective 9/4/19; ARC 6558C, IAB 10/5/22, effective 12/1/22]

441—65.5(234) Simplified reporting.

65.5(1) Identification. All households are subject to simplified reporting requirements.

65.5(2) Determination of eligibility and benefits. Eligibility and benefits for simplified reporting households shall be determined on the basis of the household's prospective income and circumstances.

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

a. Households that have no earned income and in which all adult members are elderly or disabled shall be assigned certification periods of 12 months.

b. All other households shall be assigned certification periods of six months.

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 no less than four months.

(2) A shorter certification period may be assigned at application or recertification to match the 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. The household shall report if the household's total gross income exceeds 130 percent of the federal poverty level for the household size. The household must report this change within ten days of the end of the month in which the income exceeds this level. A categorically eligible household that reports income over 130 percent of the federal poverty level and that remains eligible for benefits shall not be required to make any additional report of changes.

b. A household containing an able-bodied adult without dependents shall report any change in work hours that brings that adult below 20 hours of work per week, averaged monthly. The household must report this change within ten days of the end of the month in which the change in work hours occurs.

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.

[ARC 6558C, IAB 10/5/22, effective 12/1/22]

441—65.6(234) Delays in certification.

65.6(1) When by the thirtieth day after the date of application the agency cannot take any further action on the application due to the fault of the household, the agency shall give the household an additional 30 days to take the required action. The agency shall send the household a notice of pending status on the thirtieth day.

65.6(2) When there is a delay beyond 60 days from the date of application and the agency is at fault and the application is complete enough to determine eligibility, the application shall be processed. For subsequent months of certification, the agency may require a new application form to be completed when household circumstance indicates changes have occurred or will occur.

65.6(3) When there is a delay beyond 60 days from the date of application and the agency is at fault and the application is not complete enough to determine eligibility, the application shall be denied. The household shall be notified to file a new application and that it may be entitled to retroactive benefits.

441—65.7(234) Expedited service. Rescinded IAB 5/2/01, effective 6/1/01.

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. The standard allowance for utilities which include heating or air-conditioning costs shall change annually effective each October 1 using a methodology approved by the Food and Nutrition Service of the United States Department of Agriculture.

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

65.8(2) Heating expense. Heating expense is the cost of fuel for the primary heating service normally used by the household.

65.8(3) Telephone standard. When a household is receiving a standard utility allowance under subrule 65.8(1) or 65.8(5) or is solely responsible for telephone expenses, a standard allowance shall be allowed. This allowance shall change annually effective each October 1 using a methodology approved by the Food and Nutrition Service of the United States Department of Agriculture.

65.8(4) Energy assistance payments. For purposes of prorating the low income energy assistance payments to determine if households have incurred out-of-pocket expenses for utilities, the heating period shall consist of the months from October through March.

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. This allowance shall change annually effective each October 1 using a methodology approved by the Food and Nutrition Service of the United States Department of Agriculture.

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

65.8(6) Excluded payments. A utility expense which is reimbursed or paid by an excluded payment, including HUD or FmHA utility reimbursements, shall not be deductible.

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. Actual medical expense.

(1) The projection may be based on available information about the member's medical condition, public or private medical insurance coverage, and current verified medical expenses.

(2) Households that choose to claim actual medical expenses shall not be required to report changes in medical expenses that were anticipated to occur during the certification period.

b. Standard medical expense.

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

(2) A household that chooses the standard deduction shall not be required to report changes in medical expenses during the certification period.

(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.

65.8(8) *Child support payment deduction.* 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 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) *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.

[ARC 8992B, IAB 8/11/10, effective 10/1/10; ARC 1148C, IAB 10/30/13, effective 1/1/14; ARC 6558C, IAB 10/5/22, effective 12/1/22]

441—65.9(234) Treatment centers and group living arrangements. Alcohol or drug treatment or rehabilitation centers and group living arrangements shall provide a list of participating residents to the department on a monthly basis.

[ARC 6558C, IAB 10/5/22, effective 12/1/22]

441—65.10(234) Reporting changes. Rescinded IAB 9/10/08, effective 10/1/08.

441—65.11(234) Discrimination complaint. Individuals who feel that they have been subject to discrimination may file a written complaint with the Diversity Programs Unit, Department of Human Services, Hoover State Office Building, 1305 E. Walnut Street, Des Moines, Iowa 50319-0114.

441—65.12(234) Appeals. Fair hearings and appeals are provided according to the department's rules, 441—Chapter 7.

441—65.13(234) Joint processing.

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

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

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

[ARC 6558C, IAB 10/5/22, effective 12/1/22]

441—65.14(234) Rescinded, effective 10/1/83.

441—65.15(234) Proration of benefits. Benefits shall be prorated using a 30-day month.

This rule is intended to implement Iowa Code section 234.12.

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

[ARC 8500B, IAB 2/10/10, effective 3/1/10; ARC 6558C, IAB 10/5/22, effective 12/1/22]

441—65.17(234) Involvement in a strike. An individual is not involved in a strike at the individual's place of employment when the individual is not picketing and does not intend to picket during the course of the dispute, does not draw strike pay, and provides a signed statement that the individual is willing and ready to return to work but does not want to cross the picket line solely because of the risk of personal injury or death or trauma from harassment. The service area manager shall determine whether such a risk to the individual's physical or emotional well-being exists.

441—65.18(234) Rescinded, effective 8/1/86.

441—65.19(234) Monthly reporting/retrospective budgeting. Rescinded IAB 9/10/08, effective 10/1/08.

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).
[ARC 8500B, IAB 2/10/10, effective 3/1/10; ARC 6558C, IAB 10/5/22, effective 12/1/22]

441—65.21(234) Claims.

65.21(1) Time period. Inadvertent household error claims shall be calculated back to the month the error originally occurred to a maximum of three years before the month of discovery of the overissuance. Agency error claims shall be calculated back to the month the error originally occurred to a maximum of one year before the month of discovery of the overissuance.

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

a. For agency error and inadvertent household error, when households do not return the repayment agreement by the due date or do not timely request an appeal, allotment reduction shall occur with the first allotment issued after the expiration of the Notice of Adverse Action time period.

b. For intentional program violation, when households do not return the repayment agreement by the due date, allotment reduction shall occur with the next month's allotment.

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 to authorize adjustments to a household's EBT account.

[ARC 7928B, IAB 7/1/09, effective 9/1/09; ARC 6558C, IAB 10/5/22, effective 12/1/22]

441—65.22(234) Verification.

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) Households are not required to verify the public assistance grant.

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

(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. Households shall be required to verify dependent care costs at the time of application and recertification.

c. Medical expenses. Households shall be required to verify medical expenses at the time of application and whenever a change is reported. For recertification:

(1) A household that chose to claim actual expenses must verify medical expenses.

(2) A household that chose the standard medical expense deduction shall be required to declare only if the excess expense still exists.

d. Shelter costs. Households shall be required to verify shelter costs at the time of application, recertification, or when an address change is reported.

e. Utilities. Households shall be required to verify utility costs at the time of application, recertification, or when an address change is reported.

f. Telephone expense. 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 SNAP household only at certification and recertification and whenever the household reports a change.

65.22(2) Failure to verify. When the household does not verify an expense as required, no deduction for that expense will be allowed.

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 face-to-face interview and additional documentation requirements in accordance with department of inspections and appeals' rules in 481—Chapter 72.

Failure to cooperate with the investigations division of the department of inspections and appeals in establishing eligibility factors will not result in denial or cancellation of the household's SNAP benefits. 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.

[ARC 8556B, IAB 3/10/10, effective 2/10/10; ARC 6558C, IAB 10/5/22, effective 12/1/22]

441—65.23(234) Prospective budgeting.

65.23(1) Weekly or biweekly income. The department shall convert income and deductions that occur on a weekly or biweekly basis to monthly figures using family investment program procedures.

65.23(2) Income averaging. The department shall average income by anticipating income fluctuations over the certification period. The number of months used to arrive at the average income should be the number of months that are representative of the anticipated income fluctuation.

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 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.

[ARC 6558C, IAB 10/5/22, effective 12/1/22]

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

[ARC 6558C, IAB 10/5/22, effective 12/1/22]

441—65.26(234) Eligible students. A student who is enrolled in an institution of higher education shall meet student eligibility criteria if the student:

1. Is employed for an average of 20 hours per week and is paid for this employment; or
2. Is self-employed for an average of 20 hours per week and receives average weekly earnings at least equal to the federal minimum wage multiplied by 20 hours.

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 SNAP according to the provisions of paragraphs 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(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.

[ARC 6558C, IAB 10/5/22, effective 12/1/22]

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 SNAP household who are required to register.

65.28(2) *Exemptions from work registration.* The following persons are exempt from the work registration requirement:

a. A person younger than 16 years of age or a person 60 years of age or older. A person aged 16 or 17 who is not a head of a household or who is attending school, or is enrolled in an employment training program on at least a half-time basis is exempt.

b. A person physically or mentally unfit for employment.

c. A household member subject to and complying with any work requirement under Title IV of the Social Security Act including mandatory PROMISE JOBS referral.

d. A parent or other household member who is responsible for the care of a dependent child under age six or an incapacitated person.

e. A person receiving unemployment compensation.

f. A regular participant in a drug addiction or alcohol treatment and rehabilitation program which is certified by the Iowa department of public health, division of substance abuse.

g. A person who is employed or self-employed and working a minimum of 30 hours weekly or receiving weekly earnings at least equal to the federal minimum wage multiplied by 30 hours.

h. A student enrolled at least half-time in any recognized school, recognized training program, or an institution of higher education (provided that students have met the requirements of federal regulation, Title 7, Part 273.5, as amended to December 31, 1986).

65.28(3) *Losing exempt status.* Persons who lose exempt status due to any change in circumstances that is subject to the reporting requirements shall register for employment when the change is reported. Persons who lose exempt status due to a change in circumstances that is not subject to the reporting requirements for that household shall register for employment no later than at the household's next recertification.

65.28(4) *Registration process.* Upon reaching a determination that an applicant or a member of the applicant's household is required to register, the pertinent work requirements, the rights and responsibilities of work-registered household members, and the consequences of failure to comply shall be explained to the applicant. A written statement of the above shall be provided to each registrant in the household. The written statement shall also be provided at recertification and when a previously exempt member or a new household member becomes subject to work registration.

Registration for all nonexempt household members required to work register is accomplished when the applicant or recipient signs an application, recertification, or reporting form containing an affirmative response to the question, "Do all members who are required to work register and participate in job search agree to do so?" or similarly worded statement.

65.28(5) *Deregistration.* Work registrants who obtain employment or otherwise become exempt from the work requirement subsequent to registration or who are no longer certified for participation are no longer considered registered.

65.28(6) *Work registrant requirements.* Work registrants shall respond to a request from the department or its designee for supplemental information regarding employment status or availability for work.

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 serves individuals who are:

- (1) SNAP recipients or SNAP applicants.
- (2) 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) 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 SNAP recipients who wish to volunteer, except for those who are also recipients of FIP benefits. Federal law prohibits FIP recipients from participating in any 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 potential E&T participant to engage in aptitude or vocational testing activities when deemed necessary to determine if a component is appropriate for improving 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 shall be provided as approved in the most recent FNS-approved E&T state plan.

65.28(9) *Supportive services.* 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.

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 SNAP as follows:

- (1) First violation: The later of (1) the date the individual complies with the requirement; or (2) two months.

- (2) Second violation: The later of (1) the date the individual complies with the requirement; or (2) three months.

- (3) Third and subsequent violations: The later of (1) the date the individual complies with the requirement; or (2) six months.

b. The disqualification period shall begin with the first month following the expiration of the adverse notice period, unless a fair hearing is requested.

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 SNAP work registration requirement as a failure to comply with the corresponding SNAP requirement. Disqualification procedures in subrule 65.28(10) shall be followed.

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. An applicant disqualified under subrule 65.27(1) may be approved for benefits after serving the minimum disqualification period and complying with the work requirement, as follows:

- (1) If the applicant voluntarily quit a job, the applicant must obtain a job comparable to the one that the applicant quit.

(2) If the applicant voluntarily reduced hours of employment to less than 30 hours per week, the applicant must start working 30 or more hours per week.

b. A disqualified individual who is a member of a currently participating eligible household shall be added to the household after the minimum disqualification period has been served and the person has complied with the failed requirement as follows:

(1) If the member failed or refused to register for work with the department, the member complies by registering.

(2) If the member voluntarily quit a job, the member must obtain a job comparable to the one quit.

(3) If the member voluntarily reduced hours of employment to less than 30 hours per week, the member must start working 30 or more hours per week.

c. An individual may reestablish eligibility during a disqualification period by becoming exempt from the work requirement as provided in subrule 65.28(2).

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

a. The wage offered is less than the highest of the applicable federal minimum wage, the applicable state minimum wage, or 80 percent of the federal minimum wage if neither the federal nor state minimum wage is applicable.

b. The employment offered is on a piece-rate basis and the average hourly yield the employee can reasonably be expected to earn is less than the applicable hourly wages specified in paragraph “*a*” above.

c. The household member, as a condition of employment or continuing employment, is required to join, resign from, or refrain from joining a legitimate labor organization.

d. The work offered is at a site subject to a strike or lockout at the time of the offer unless the strike has been enjoined under Section 208 of the Labor-Management Relations Act (29 U.S.C. 78A) (commonly known as the Taft-Hartley Act), or unless an injunction has been issued under Section 10 of the Railway Labor Act (45 U.S.C. 160).

e. The household member involved can demonstrate or the department otherwise becomes aware that:

(1) The degree of risk to health and safety is unreasonable.

(2) The member is physically or mentally unfit to perform the employment, as documented by medical evidence or by reliable information from other sources.

(3) The employment offered within the first 30 days of registration is not in the member’s major field of experience.

(4) The distance from the member’s home to the place of employment is unreasonable considering the expected wage and the time and cost of commuting. Employment shall not be considered suitable if daily commuting time exceeds two hours per day, not including the transporting of a child to and from a child care facility. Employment shall also not be considered suitable if the distance to the place of employment prohibits walking and neither public nor private transportation is available to transport the member to the job site.

(5) The working hours or nature of the employment interferes with the member’s religious observances, convictions, or beliefs.

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

a. They are determined eligible for SSI and thereby become exempt from work registration, or

b. They are determined ineligible for SSI whereupon a determination of work registration status will be made.

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(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 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(17) *Mini-simplified SNAP.*

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

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

b. Effect. The mini-simplified SNAP allows replacement of certain SNAP work rules with work rules of the TANF program. The value of the household's monthly SNAP benefits shall be combined with the household's monthly FIP benefit amount to determine the maximum number of hours the department can require a household member under 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. [ARC 8500B, IAB 2/10/10, effective 3/1/10; ARC 8712B, IAB 5/5/10, effective 4/15/10; ARC 6558C, IAB 10/5/22, effective 12/1/22]

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) A standard amount of 40 percent, as allowed by the state's family investment (TANF) program, or
- (2) At the household's request, actual allowable expenses as specified in federal regulations at 7 CFR 273.11 as amended to May 2, 2022.

b. Uneven proration of self-employment income. Once a household with self-employment income is determined eligible, the household has the following options for computation of the benefit level:

- (1) Using the same monthly self-employment income amount which was used to determine eligibility, or
- (2) Unevenly prorating the household's annual self-employment income over the period for which the household's self-employment income was averaged to more closely approximate the time when the income is actually received. If this option is chosen, the self-employment income assigned in any month together with other income and deductions at the time of certification cannot result in the household's exceeding the maximum monthly net income eligibility standards for the household's size.

65.29(2) *Unemployment insurance benefits.* 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 unemployment insurance benefits used is incorrect, the client shall be allowed to verify the discrepancy. A benefit adjustment shall be made when indicated.

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(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(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. Notwithstanding anything to the contrary in these rules or regulations, the department shall exclude educational income based on amounts earmarked by the institution, school, program, or other grantor as made available for the specific costs of tuition, mandatory fees, books, supplies, transportation and miscellaneous personal expenses (other than living expenses).

b. If the institution, school, program, or other grantor does not earmark amounts made available for the allowable costs involved, students shall receive an exclusion from educational income for educational assistance verified by the student as used for the allowable costs involved. Students can also verify the allowable costs involved when amounts earmarked are less than amounts that would be excluded by a strict earmarking policy.

c. For the purpose of this rule, mandatory fees include the rental or purchase of equipment, materials and supplies related to the course of study involved.

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

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

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.

[ARC 8500B, IAB 2/10/10, effective 3/1/10; ARC 0148C, IAB 6/13/12, effective 8/1/12; ARC 6558C, IAB 10/5/22, effective 12/1/22]

441—65.30(234) Resources.

65.30(1) *Jointly held resources.* When property is jointly held it shall be assumed that each person owns an equal share unless the intent of the persons holding the property can be otherwise established.

65.30(2) *Resource limit.* The resource 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.

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 SNAP purposes, those members' resources, if identified, cannot be included when a household's total resources are calculated.

65.30(4) *Earned income tax credits.* Notwithstanding anything to the contrary in these rules or in federal regulations, earned income tax credits (EITC) shall be excluded from consideration as a resource for 12 months from the date of receipt if:

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

b. The person participated in the program continuously during the 12-month period.

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

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 May 2, 2022.

65.30(7) *Retirement accounts.* Exclude from resources the value of:

a. Any funds in a plan, contract, or account described in Sections 401(a), 403(a), 403(b), 408, 408A, 457(b), and 501(c)(18) of the Internal Revenue Code of 1986.

b. Any funds in a Federal Thrift Savings Plan account as provided in Section 8439 of Title 5, United States Code.

c. Any retirement program or account included in any successor or similar provision that may be enacted and determined to be exempt from tax under the Internal Revenue Code of 1986.

d. Any other retirement plans, contracts, or accounts determined to be exempt by the Secretary of the U.S. Department of Agriculture.

65.30(8) Education accounts. Exclude from resources the value of:

a. Any funds in a qualified tuition program described in Section 529 of the Internal Revenue Code of 1986 or in a Coverdell Education Savings Account under Section 530 of the Internal Revenue Code.

b. Any other education plans, contracts or accounts determined to be exempt by the Secretary of the U.S. Department of Agriculture.

[ARC 6558C, IAB 10/5/22, effective 12/1/22]

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 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.

[ARC 6558C, IAB 10/5/22, effective 12/1/22]

441—65.32(234) Basis for allotment. The minimum benefit amount for all eligible one-member and two-member households shall be 8 percent of the maximum monthly allotment for a household size of one member.

441—65.33(234) Dependent care deduction. Households shall be allowed a deduction for the amount of monthly dependent care expenses.

[ARC 8556B, IAB 3/10/10, effective 2/10/10]

441—65.34(234) Exclusion of advance earned income tax credit payments from income. Rescinded IAB 10/30/91, effective 1/1/92.

441—65.35(234) Migrant and seasonal farm worker households. Rescinded IAB 10/30/91, effective 1/1/92.

441—65.36(234) Electronic benefit transfer (EBT) of food stamp benefits. Rescinded IAB 3/5/03, effective 5/1/03.

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 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 May 2, 2022, regardless of their immigration date.

65.37(2) Aliens who have been residing in the United States for at least five years as legal permanent residents.

65.37(3) Aliens who hold one of the following statuses:

a. A refugee admitted under Section 207 of the Immigration and Nationality Act.

b. A Cuban or Haitian entrant admitted under Section 501(e) of the Refugee Education Assistance Act of 1980.

c. An Amerasian immigrant admitted under Section 584 of the Foreign Operations, Export Financing and Related Program Appropriations Act.

d. An asylee admitted under Section 208 of the Immigration and Nationality Act.

e. An alien whose deportation or removal has been withheld under Section 243(h) or 2411(b)(3) of the Immigration and Nationality Act.

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 SNAP eligibility and benefits for an alien aged 18 or under.

[ARC 6558C, IAB 10/5/22, effective 12/1/22]

441—65.38(234) Income deductions. Notwithstanding anything to the contrary in these rules or regulations, student households cannot receive an income deduction for dependent care expenses that were excluded from educational income.

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 SNAP provided that the state or local program:

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

b. Gives assistance other than one-time emergency payments that cannot be given for more than one continuous month.

65.39(2) Notwithstanding anything to the contrary in these rules or in federal regulations, a household is subject to categorical eligibility provisions of 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).

[ARC 9173B, IAB 11/3/10, effective 1/1/11; ARC 6558C, IAB 10/5/22, effective 12/1/22]

441—65.40(234) Head of the household. Rescinded IAB 8/11/99, effective 11/1/99.

441—65.41(234) Actions on changes increasing benefits. Action on changes resulting in an increase in benefits will take place after the verification is received.

441—65.42(234) Work transition period. Rescinded IAB 3/6/02, effective 5/1/02.

441—65.43(234) Household composition. Rescinded IAB 5/2/01, effective 6/1/01.

441—65.44(234) Reinstatement.

65.44(1) The department shall reinstate assistance without a new application when the element that caused termination of a case no longer exists and eligibility can be reestablished prior to the effective date of cancellation.

65.44(2) When assistance has been canceled for failure to provide requested information, assistance shall be reinstated without a new application if all information necessary to establish eligibility, including verification of any changes, is provided within 14 days of the effective date of cancellation and eligibility can be reestablished. If the fourteenth calendar day falls on a weekend or state holiday, the client shall have until the next business day to provide the information. The effective date of assistance shall be the date all information required to establish eligibility is provided.

[ARC 8500B, IAB 2/10/10, effective 3/1/10]

441—65.45(234) Conversion to the X-PERT system. Rescinded IAB 3/6/02, effective 5/1/02.

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

65.46(1) *First and second violations.* Notwithstanding anything to the contrary in these rules or regulations, the disqualification penalty for a first intentional program violation shall be one year except for those first violations involving a controlled substance. The disqualification penalty for a second intentional violation and any first violation involving a controlled substance shall be two years.

65.46(2) *Conviction on trafficking in SNAP benefits.* The penalty for any individual convicted of trafficking in 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 SNAP for a period of ten years.

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 SNAP benefits shall be permanent disqualification.

[ARC 6558C, IAB 10/5/22, effective 12/1/22]

441—65.47(234) Eligibility of noncitizens. Rescinded IAB 5/2/01, effective 6/1/01.

441—65.48(234) Sponsored aliens. Rescinded IAB 5/2/01, effective 6/1/01.

441—65.49(234) Providing information to law enforcement officials. Rescinded IAB 10/3/01, effective 10/1/01.

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 SNAP benefit allotment by 10 percent as provided for in federal regulations at 7 CFR 273.11(j), (k), and (l) as amended to May 2, 2022, for the duration of the other program's penalty.

[ARC 6558C, IAB 10/5/22, effective 12/1/22]

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 May 2, 2022.

[ARC 6558C, IAB 10/5/22, effective 12/1/22]

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

[ARC 6558C, IAB 10/5/22, effective 12/1/22]

These rules are intended to implement Iowa Code section 234.12.

441—65.53 to 65.100 Reserved.

DIVISION II

[Prior to 10/13/93, 441—65.1(234) to 65.41(234)]

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¹ Two ARCs

² Amendments to subrules 65.30(5) and 65.130(7) and rules 65.32(234) and 65.132(234) effective 10/1/96.

³ Subrules 65.8(11) and 65.108(11) effective 1/1/97.