The SNAP Advocacy Guide

An Advocate’s Guide to the Supplemental Nutrition Assistance Program in Massachusetts

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Massachusetts Law Reform Institute

January 2020 Edition
SNAP
ADVOCACY GUIDE

About Massachusetts Law Reform Institute

The Massachusetts Law Reform Institute (MLRI) is a statewide nonprofit poverty law and policy center. Our mission is to advance economic, racial, and social justice through legal action, policy advocacy, coalition building, and public information and to promote policies that meet the fundamental needs of traditionally underserved, low-income populations. We defend against policies and actions that harm and marginalize people living in poverty and advocate for systemic reforms that achieve social and economic justice. Our activities include advice, litigation, policy analysis, research, technical assistance and public information.

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MLRI dedicates this Guide to anti-hunger advocates throughout Massachusetts who work tirelessly to help low-income households obtain the nutrition benefits to which they are entitled and who work to preserve and protect basic benefits for families in poverty.

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Introduction

SNAP is the Supplemental Nutrition Assistance Program, the nation’s “first line of defense against hunger.” SNAP remains a highly effective 100 percent federally-funded program that brings over $1.2 billion per year in nutrition dollars to one in nine low-income Massachusetts residents, with food purchases made at over 5,000 local grocers. National economists estimate that every $1 in SNAP benefits triggers a $1.72 economic stimulus to the local economy during recessionary times.

Receipt of SNAP not only gives low income households resources to purchase healthy food – it also triggers automatic free school meals status for elementary and secondary school students, allows SNAP households regulated utility discounts, access to museums and cultural events at a discount and more. When in season, SNAP households can also qualify for the Healthy Incentives Program (HIP) to purchase fresh fruits and vegetables at farmers markets.

This SNAP Advocacy Guide produced by the Massachusetts Law Reform Institute (MLRI) walks you through the core eligibility rules for SNAP: How to apply, what proofs are needed, how much income is counted, how the household composition rules work and more. It also includes advocacy tips on how to fix SNAP problems – inaccurate denials, inappropriate verification demands, how to file an appeal and what happens in a hearing. This Advocacy Guide tool is for low income households, community organizations and legal services advocates.

SNAP remains a critical safety-net program in difficult economic times. It is especially important for low-income older adults and persons with disabilities to remain in the community, and as a work support for low-wage families, homeless and unemployed individuals in economic crisis.

About the SNAP Program

Congress first created the Food Stamp Program in 1964 to reduce hunger by increasing the food-buying power of low-income households. The landmark Food Stamp Act of 1977 modernized the Food Stamp program by removing the “purchase” requirement and made other important changes that enabled more low income households to access benefits. In 2008, Congress renamed the program to Supplemental Nutrition Assistance Program or SNAP (most states, like Massachusetts, adopted this name). SNAP was most recently reauthorized in the 2018 Farm Bill. State and national advocates joined forces to successfully protect and defend cuts to SNAP. We thank all of the Massachusetts anti-hunger organizations for their fantastic advocacy to protect this important program!
Introduction

In Massachusetts, the SNAP program is administered by the Department of Transitional Assistance (DTA). In recent years and in collaboration with MLRI and the SNAP Coalition, DTA has focused its efforts on improving customer service and timely processing, lowering DTA Assistance Line wait times, improving applications and forms, and simplifying reporting rules.

In 2018, DTA rolled out a specialized Senior Assistance Office (SAO) dedicated to helping low-income older adults apply for SNAP, increased the number of SNAP outreach partners with local Councils on Aging, and implemented an “Elderly and Disabled Simplified Application Project” to extend SNAP certification periods and reduce interim reporting. In 2020 we anticipate that DTA will continue to implement improvements including text messaging, improvements to the Assistance Line, and a telephonic signature option. These customer service changes can decrease administrative tasks and remove barriers that can deter otherwise eligible households from accessing SNAP benefits.

Threats to SNAP in 2020

As this 2020 Advocacy Guide goes to print, USDA has issued three sets of rule changes in 2019 that may cut access to SNAP - including:

- Limiting state flexibility to waive the 3-month SNAP rule for childless adults ages 18 to 49 in areas of the state with elevated rates of unemployment. **January 2020 Status:** Rule finalized, but not in effect until April 1, 2020. It is possible a court could stop implementation in 2020.

- Limiting state flexibility to use a higher (200% FPL) gross income test for working families and eliminating the state option to waive the burdensome asset test. This proposed rule could trigger loss of SNAP for over 50,000 MA households and cause thousands of MA children to lose free meal status. **January 2020 Status:** Proposed rule is pending (has not been finalized).

- Requiring states with high energy costs to use a lower standard utility allowance in determining shelter costs, which could trigger cuts in monthly SNAP benefits by roughly $50/month for over 200,000 MA households. **January 2020 Status:** Proposed rule is pending (has not been finalized).

For a chart summarizing these three rules, visit [Masslegalservices.org/MLRI-2019-SNAPcomments](http://Masslegalservices.org/MLRI-2019-SNAPcomments). It is also possible courts may enjoin (stop) USDA from implementing final rules if they find the rules violate Congressional intent or other federal requirements. To stay updated on the status of these SNAP rules and what you can do, join the MA SNAP Coalition (see below).
Introduction

The Massachusetts SNAP Gap

SNAP currently serves about 454,500 Massachusetts households comprised of 760,800 low-income residents - 1 in 9 people in the Commonwealth. The majority of SNAP recipients are older adults, persons with severe disabilities, minor children and adults struggling with temporary unemployment or under employment.

The MassHealth (Medicaid) program, serves over approximately 1.9 million low income Massachusetts residents. According to the state, 1.7 million have gross incomes below 200% of the federal poverty level – yet only half of these likely SNAP eligible MassHealth recipients are receiving SNAP nutrition benefits. Massachusetts continues to have a “SNAP gap” of nearly 700,000 individuals, many of whom were previously receiving SNAP but who have fallen off benefits.

The SNAP Gap Coalition continues to pursue legislation in 2020 that will create a “common application,” allowing low-income individuals and families seeking health care to apply for SNAP at the same time they file an application or renewal for MassHealth. It’s time to close the SNAP Gap!

Stay informed, get involved!

MLRI helps coordinate the Food SNAP Coalition. This is a coalition of anti-hunger agencies, health care and homelessness providers, faith-based organizations, community action programs and legal services advocates. DTA, the Department of Public Health, Office of Refugee and Immigrants, and other state agency staff frequently attend. Formed in 2000, the Eastern MA Coalition meets 10 times a year in Boston (4th Tuesday of the month). The Worcester County Food Bank and Central West Justice Center host regional SNAP Coalition meetings bi-monthly and the Western Mass Food Bank hosts Coalition meetings quarterly. Coalition members share updates on state and federal SNAP policy, child nutrition, WIC and other anti-hunger programs that affect Massachusetts households.

If you would like to receive email updates on SNAP and child nutrition program policy changes, announcements of Coalition meetings or trainings, and state and national legislative action alerts, contact: Pat Baker at pbaker@mlri.org or Vicky Negus at vnegus@mlri.org.

To get legal advice and representation on your individual case, contact your local Legal Services office by going to: Masslegalhelp.org/findlegalaid.
Introduction

Additional State and National SNAP Resources

The following national and state organizations and USDA provide a wealth of important information on SNAP program and other nutrition programs.

- Food Research Action Center: frac.org/
- Center for Budget and Policy Priorities: cbpp.org/
- Feeding America: feedingamerica.org/
- Project Bread: projectbread.org/

Sources of Law:

Federal: DTA must administer the program in accordance with the federal regulations issued by USDA and any waivers or demonstration projects approved by USDA.

- The federal regulations are printed in Title 7 of the Code of Federal Regulations (7 C.F.R. § 271 et seq.).
- USDA publishes proposed, interim and final rules at the following link: fns.usda.gov/snap
- You can also find USDA’s policy memos and program updates at: fns.usda.gov/snap/whats_new.htm

State: DTA issues its own SNAP regulations. The DTA SNAP regulations are printed in Chapter 106 of the Code of Massachusetts Regulations (C.M.R.).

- You can find the regulations at DTA’s website: Mass.gov/lists/dta-regulations

DTA policy guidance: DTA issues a wide range of guidance on the SNAP and cash program policies and procedures:

- The DTA Online Guide has detailed information written for DTA case managers on cash and SNAP case handling matters and is very useful for case advocacy: Mass.gov/eohhs/gov/departments/dta/online-guide.html
- In addition to the Online Guide, DTA has historically issued guidance through Operations Memos or monthly Transitions newsletters. MLRI has posted DTA’s older policy memos and ongoing Transitions here: Masslegalservices.org/library/directory/benefits/dta-policies-materials
1 How do I apply for SNAP benefits?

You have the right to apply for benefits – whether or not DTA thinks you are eligible. This is a fundamental right of all Massachusetts residents and the SNAP rules require DTA to encourage individuals who inquire about SNAP to apply. 106 C.M.R.§361.130. DTA still needs to determine if you are eligible, but no one should discourage you from filing a SNAP application.

You have options to apply for SNAP. There is NO wrong door!

- **Apply online** on your own through DTACconnect.com.
- **Mail or fax in a paper SNAP application.**
  - Paper applications available at Mass.gov/SNAP, or call the DTA Assistance Line (1-877-382-2363) to ask that a paper SNAP application be mailed to you.
  - DTA has applications in multiple languages, See Question 14.
  - Adults age 60+ can fill out a shorter “SNAP Application for Seniors.”
  - DTA must mail a SNAP application the same day it is requested. 106 C.M.R.§361.140.
- **Apply in person** at any local DTA office, no matter where you live.
  - Each DTA office must accept the SNAP application the same day you walk in. 106 C.M.R.§361.130.
  - Every local DTA office also has special scanning equipment for you to submit documents to your case. See Question 15.
  - If you go in person, the local office should screen you for expedited (emergency SNAP), do an interview if you are able to wait to see a worker, get you an EBT card and accept any forms or documents you bring in.
Part 1 ▪ Application and Proofs

- Apply through a SNAP outreach provider, such as the Project Bread Food Source Hotline (call 1-800-645-8333) or a local SNAP Outreach Provider, list available here: Mass.gov/snap-outreach

- In certain situations, applicants for Supplemental Security Income can apply through the local Social Security office if. See Question 4.

SNAP application rights: 106 C.M.R.§361.140.

Apply with minimal information

You have the right to file a SNAP application with just your basic information - your name, address, signature and the date. 106 C.M.R.§361.130. You will still need to give DTA more information later, but don’t delay filing a SNAP application because you don’t have all the information or proofs.

Signing the application

Your electronic or ink signature is your agreement that the information you provide to DTA is truthful and accurate. When you sign the application, you agree that you understand your rights and responsibilities to follow the rules, including to report changes when required. During the phone interview, a SNAP worker should go over these rights and responsibilities.

Retroactive SNAP benefits

If you are approved for SNAP within 30 days of when you apply, you should get benefits paid back to the date DTA received your signed application. 106 C.M.R.§361.080. If you get your proofs to DTA after day 30, see Question 21.

Cash assistance applications

If you are applying for DTA’s cash assistance benefits, DTA must treat your application for cash as an application for SNAP. There is no need for a separate application or separate interview. 106 C.M.R.§361.160. DTA must also process your SNAP benefits, even if they determine you are not eligible for cash assistance. 106 C.M.R.§365.120(A)(1), (A)(2).

See MLRI’s TAFDC and EAEDC Advocacy Guides for more on these cash benefits, available here: Masslegalservices.org/LegalAdvocacyGuides

DTA Online Guide Section: SNAP > Application Processing > SNAP Application Processing > Web Application
Part 1 • Application and Proofs

2 What happens after I apply?

Signing a SNAP application is the first step! There are two more steps:

1) an interview with a DTA worker (see Question 10) and
2) sending proofs not sent with your application (see Question 12).

Once DTA verifies your identity, DTA should also send you an EBT card and PIN in the U.S. mail – sent in two separate envelopes. It can take about 5-10 days to arrive in the mail. Your EBT card will not have any benefits on it until DTA approves your SNAP case. If you already have an EBT card, you do not need a new one.

If you do not receive an EBT card promptly, contact the DTA Assistance Line, Ombuds Office or an advocate. See Question 90 on how to access your EBT benefits.

DTA Online Guide Section: SNAP > Application Processing > SNAP Application Processing > Issuing An EBT Card

3 When am I eligible for expedited (emergency) benefits?

Expedited SNAP benefits are a faster way to get your first month of SNAP benefits. You may be eligible for expedited SNAP if:

- you have $150 or less in monthly gross income and $100 or less in liquid assets (cash and money in the bank), or
- your shelter costs are higher than your combined gross monthly income and cash and savings (DTA adds the value of the standard utility allowance to your rent or homeownership costs), or
- you are a migrant household with $100 or less in cash and savings.

If you qualify, you should get SNAP benefits and an EBT card with benefits on it within 7 days from the date of your application.


Example: Stella is 65 and earns $200 a week in gross wages (before taxes) at her part time job, for a total monthly income of
Part 1 ▪ Application and Proofs

$866 (weekly x 4.333). Stella pays $500/month rent and separately pays heating costs. Her total shelter costs are $1,146 based on her rent of $500 plus the $646 heating/cooling standard utility allowance. Because her shelter costs are higher than her gross income, Stella is eligible for expedited SNAP.

The SNAP rules require DTA to screen all applicants for expedited service upon receiving the application. 106 C.M.R.§365.800. To get ongoing SNAP benefits after the expedited month, you will have to provide proofs of all the other eligibility factors. 106 C.M.R.§365.850(B).

You only need to verify your identity to qualify for expedited SNAP. You can provide proof of your identity when you apply. DTA will also verify your identity by confirming your SSN. See Appendix C.

The amount you get in expedited SNAP benefits is based on the income you received and the income you anticipate receiving in the “cyclical month” of your SNAP application. 106 C.M.R.§365.840. This means DTA will count the earnings from any pay you got in that cyclical month, even if that job has ended.

Advocacy Reminder:

✔ It is often faster to get expedited SNAP by going in person to a local DTA office, especially if it is hard to reach you by phone. If you need an EBT card, it is also faster to get an EBT card in person.

✔ You can only get expedited SNAP once every 12 months, unless you completed the full SNAP application the last time you applied.

✔ If you got expedited SNAP benefits, but your SNAP benefits did not continue, call DTA. It is possible you still need to send missing proofs. If you sent in the required proofs but DTA failed to approve ongoing SNAP or send you a denial letter, you can call DTA to speak with a supervisor, call the DTA Ombuds or file an appeal. DTA may not send you a denial notice, but you can still file an appeal if you did not get approved for ongoing SNAP.

DTA Online Guide: SNAP > Application Processing > SNAP Application Processing > Expedited Benefits

Additional DTA Guidance: Expedited benefits can be issued more than once if the applicant previously verified required information, or if more than 12 months has elapsed since receipt of expedited. Transitions FYI (Dec 2010).
4 What is Bay State CAP for SSI recipients?

In Massachusetts, many SSI applicants and recipients can apply for SNAP through their Social Security Administration (SSA) office. This is called Bay State CAP or the SNAP “Combined Application Project.” 106 C.M.R. §366.910

If you meet the criteria for Bay State CAP, you do not need to file a separate SNAP application at DTA. DTA uses your SSI eligibility information to establish your benefits and send you an EBT card. 106 C.M.R.§366.910 (C).

You may qualify for Bay State CAP SNAP benefits if:

1. you are an SSI applicant or recipient,
2. you are 18 or older and not living with a spouse,
3. you live alone, or live with others but purchase and prepare your own food separate from the others,
4. you do not have regular earned income, and
5. a portion of your SSI benefits is federally-funded.

When you apply for SSI or have your SSI case reviewed, the SSA Claims Representative should ask screen you for SNAP. You do not need to send DTA any proofs. DTA will rely on the income and other information they get from SSA. 106 C.M.R. §366.910(C) If approved, DTA will send you a Bay State CAP/SNAP approval letter. DTA should also send you an EBT card and PIN. 106 C.M.R. §366.910(E)

Your Bay State Cap SNAP benefits are certified for 36 months. 106 C.M.R. §366.910(E)(3). When it is time to recertify your benefits, DTA should send you a short Bay State CAP Recertification form to fill out and send back.

You do not have to report any changes to DTA. If you move, start to work or have other changes, report those changes directly to SSA and SSA will automatically tell DTA about the changes. 106 C.M.R.§366.910 (B)(3)-(5). You have a right to switch from Bay State CAP to regular SNAP any time you would get higher SNAP benefits. 106 C.M.R. §366.910 (H)(2).
Part 1 ▪ Application and Proofs

Advocacy Reminders:

✓ Bay State CAP recipients often receive the *same benefit amount* as regular SNAP benefits or even higher. In some cases you may get more through regular SNAP if you have high rent or homeownership costs or unreimbursed medical expenses.

✓ DTA should not change your Bay State Cap unless they get information directly from SSA that causes DTA to decrease or end your benefits (for example, if SSA tells DTA that you have moved to a different state). If DTA decreases or stops your Bay State Cap because they got information from a data source other than SSA, contact MLRI.

✓ In very unique situations – for example, if you have a Russian or other foreign government pension – it may be better to opt out of Bay State Cap. Consult with an advocate before opting out of Bay State Cap.

✓ SSA typically suspends SSI benefits when individuals are “institutionalized” for 30 days or more, for example if you are admitted to a hospital, rehab facility, prison or other institution. When you are discharged and notify SSA of your return, SSA should reopen your SSI case. If SSA does not ask you questions about Bay State CAP (even though they should), contact DTA immediately to get your SNAP case reopened.

✓ You are not eligible for Bay State if you if you only get a state-funded supplement to your SSI benefits, or if you get an employment related pension that fluctuates.

DTA Online Guide: SNAP > Certification Types > Bay State CAP > Bay State CAP Overview

SNAP > Certification Types > Bay State CAP > Bay State CAP Client Options

5 Can I register to vote when I apply for SNAP?

Yes! DTA is mandated by federal law to ask all SNAP and cash assistance household members who are over age 17 and U.S. citizens if they wish to register to vote for any federal elections. 42 U.S. Code §1973gg–5. Massachusetts state law also allows 16 and 17 year olds to pre-register to vote, M.G.L. 51 §42.

When you apply or recertify for SNAP or cash assistance, the DTA worker is required to tell you how you can register to vote and assist you with voter registration. 106 C.M.R.§360.950. If you apply in person, DTA should hand you a Voter Registration packet. If you do not apply in person, DTA will send you a letter and Voter Registration Form when sending you a notice about your interview. DTA should also give you a packet if you do your SNAP recertification or report an address change in person, or mail you a Voter Registration Form with your SNAP recertification form. If you complete a Voter Registration Form with DTA, DTA is required to send the completed Voter Registration Form to your city or town election office with 5 business days of receipt.

Voter registration is optional. DTA will not deny or close your SNAP case if you choose not to complete a Voter Registration Form.

You can also register to vote online if you have a current MA state ID or driver license, or get a Form mailed to you from the Massachusetts Secretary of State. Go to the Secretary of State’s Register to Vote web site: Sec.state.ma.us/ele/eleifv/howreg.htm

Homeless individuals using the voter registration form can use the map on the form to indicate a location for voting purposes if they do not have a “conventional” address.

DTA Online Guide: Cross Programs > Voter Registration > Overview and Administrative Responsibilities> Voter Registration Overview
Can someone else help me apply for SNAP?

Yes! You can always ask a family member, friend, or social services agency to help you fill out an application. They can also help you send in proofs, accompany you to a local DTA office, or participate in a phone interview with you— with your permission.

But you should sign and participate in the interview. That’s because you are legally responsible for all the information on the application. DTA must not conduct any SNAP interview without you!

If the helping friend or agency gives DTA incorrect information— or leaves out information that is important to tell DTA— you may end up with a SNAP overpayment, or worse. The helping agency that gave DTA wrong information about your income or living situation could be legally liable as well.
What is an Authorized Representative?

An Authorized Representative is someone you choose to act on your behalf and manage your SNAP benefits. 106 C.M.R. §§361.300-361.330. This is similar to a “representative payee” for SSI or Social Security benefits. The Authorized Representative does not need to have legal guardianship or a court appointment, but you do have to give your written consent.

You need to sign a DTA form appointing this person, Request to Choose Someone to Be My Authorized Representative. See Appendix C.

An Authorized Representative can:

- sign the SNAP application on your behalf, receive DTA notices, report changes and talk about your case with DTA, and/or
- get a second EBT card to shop for you with your SNAP benefits. DTA can issue two EBT cards – one for you and one for the Authorized Representative.

It is up to you how much authority you give to an Authorized Representative. Be sure to choose someone you trust. If this person gives DTA incorrect information and you get too much SNAP, you might have to pay back an overpayment. 106 C.M.R. §§361.310 (B).

Advocacy Reminder:

- DTA cannot require you to have an authorized representative if you do not want one. The only exception is with residents of substance abuse disorder treatment programs and some group home residents. 106 C.M.R. §§361.350
- You can tell DTA at any time if you want to remove an Authorized Representative from your SNAP case.
- For more information about the difference between a helping agency and an authorized representative, visit: Masslegalservices.org/content/helping-agency-vs-authorized-representative

DTA Online Guide: Cross Programs > Assisting Person > Assisting Person Overview
8  Can I give someone permission to talk with DTA about my SNAP case?

You have the right to give permission to anyone you trust to help you find out what’s going on with your SNAP case. This can be a social service agency, food pantry, legal services, a trusted family member or friend. This is different from appointing an authorized representative. See Question 7.

You can also call the DTA Assistance Line with an agency or friend on the line at the same time to help you. For example, you can do a “3-way” call.

Before anyone can talk with DTA about your case (if you are not with them by phone or in person), you need to send DTA a written and signed statement that allows DTA to share information with the person or organization helping you. 106 C.M.R.§360.400.

Appendix C has a sample Client Consent Allowing DTA to Release Information to a Helping Agency. You can also send DTA a handwritten or typed note (signed and dated) with the same information. There is no specific DTA form that must be used.

DTA Online Guide: Cross Programs > Assisting Person > Assisting Person Overview

9  How do I apply if I live in a group home, substance abuse center, or teen program?

Group home residents

If you live in a licensed group home for persons with disabilities, you may be eligible for SNAP benefits as a one person household even though you live with others and share common meals. 106 C.M.R §361.240(B). A licensed group home is one licensed by the state as a community-based residential facility and that has no more than 16 residents living there at a time. 106 C.M.R.§365.640.

Some group homes act as the Authorized Representative for residents, especially those run by the Mass Department of Developmental Services. This means a group home manager may file a SNAP application for residents and/or the group home receives the EBT card.
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Other group homes have residents apply for SNAP and buy their own food. Some group homes have point of sale (POS) devices that allow the group home to swipe benefits off the EBT cards of residents to collect money for common food.

If you are not already getting SNAP when you join the group home, the group home must make an individual determination whether or not you can handle your own affairs. If the group home determines that you do not have the physical or mental ability to handle your own affairs, the group home will file an application for SNAP on your behalf (act as an authorized representative to do your SNAP application).

If you apply for your own SNAP, you can choose whether to have the group home transact (keep) your EBT card to buy food or if you want to keep your own EBT card to make and buy your own food. 7 CFR 273.11(f), 106 C.M.R.§365.620(A).

Residents of substance abuse disorder treatment centers

If you are a resident of a licensed substance abuse disorder treatment program, the SNAP rules say that the treatment program must be your Authorized Representative. 106 C.M.R.§365.610. Even if you apply for SNAP on your own, you must transfer your EBT card to the treatment program for food purchases while you are staying there.

If you live in a “sober house” or other roomer/board situation which is not licensed by the Department of Public Health, the sober house should not take your EBT card unless you voluntarily appoint them as your authorized representative.

Residents of teen living programs

If you are living in a teen parent program, the program is given the authority to decide if it will be the authorized representative and receive the SNAP benefits, or if it will allow you to apply for and spend the benefits yourself. 106 C.M.R. §365.620(B).

When leaving a residential program

After you leave a group home or treatment center, the program must return your EBT card to you. If you do not have an EBT card in your name, they should help you get one.

When you leave, the group home or treatment center must give you back SNAP benefits in the following ways:
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- If they have not yet used any of your SNAP for the month, they must return your entire monthly allotment.

- If they have already used some of your SNAP for the month:
  - If you leave before the 16th of the month, the program must give you back half of your allotment.
  - If you leave after the 16th and the program has already used your SNAP for that month, you may not get any SNAP back.

 7 CFR 273.11(e)(6) and (f)(5).

Contact the DTA Ombudsman office or an advocate if you do not get back your EBT card or a portion of your benefits.

**Advocacy Reminders:**

- Drug and alcohol treatment centers are liable for any SNAP overpayments that occur while the household is a resident of the treatment center. Group homes are similarly liable for any overpayments that occur while a household is staying at the group home. 106 C.M.R. §365.650. The only exception is if a group home resident applied for SNAP on their own, then the resident is responsible for any over-issuance. 7 C.F.R 273.11(f)(6).

- The program fee for individuals in certain Group Homes is allowed as a shelter cost. Under an agreement with the Department of Developmental Services (DDS) and Department of Mental Health (DMH), group home residents be credited with 10% of the rental costs as payment for heat and are entitled to the Heating/Cooling Standard Utility Allowance (HCSUA). The remaining 90% is considered as a Shelter Expense. See OLG, Expenses and Deductions, shelter expense deduction

- If the group home insists you appoint them as your “authorized representative” to use your EBT card for food, and you do not agree, you can challenge this. Contact the Disability Law Center, Mental Health Legal Advisors Committee or MLRI for advice on how to represent an individual in these cases. See Legal Resources in Appendix E.

- “Sober houses” typically provide room and meals for adults transitioning from a treatment program and/or referred by a
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court or probation officer. Sober houses may be regulated at the local level but usually are not licensed or regulated by the Massachusetts Department of Public Health. If you live in a “sober house” or other roomer/boarder situation that is not licensed by the state, you cannot be forced to turn over your EBT benefits without your written agreement. If this has happened to you, contact an advocate.

DTA Online Guide Sections:
- Cross Programs > Assisting Person > Authorized Rep-Agency - Certification (SNAP) and > Authorized Rep-Agency - EBT Transactions (SNAP)
- SNAP > Expenses and Deductions > Household Expenses > Group Homes > Group Homes
- SNAP > Eligibility Requirements > Residents of Institutions > Residents of Institutions

Additional Resources: DTA has a special Authorized Representative Form for group homes, available at Mass.gov/snap

10  Does DTA have to interview me?

YES. DTA is required to interview all applicants for SNAP benefits. 106 C.M.R. §361.500. The interview must be done by a DTA SNAP worker. Conversations you have with a SNAP Outreach partner are not the official SNAP interview.

- The DTA interview is usually done by phone. They should call you as soon as they get your SNAP application and screen you for emergency (expedited) benefits.

- The caller ID should say “COMM of MASS” or 877-382-2363.

- These calls come through DTA’s computerized phone system. If you pick up the call, you will hear an automated message asking you if you want to talk to a DTA worker. You may need to wait for a few minutes for the worker to come on the line.

- You can also call the DTA Assistance Line any time after you apply to have your interview: 1-877-382-2363.

- If you apply in person at a local DTA office, you can have your interview in person and be screened for expedited if you choose to wait to meet with a DTA worker. If you cannot wait to have a full
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In an interview, the DTA office should still screen you for expedited SNAP.

DTA should send you a letter with the date and time a DTA worker will call to do the interview. Between the time DTA looks at your application and the date of the scheduled interview, DTA should also try to call you.

If you do not get any calls from DTA, check that DTA has your correct or current phone number. You can check or update your phone number on DTA Connect.

**In-office interviews**

If you do not have a phone number listed on your application, DTA will schedule an in-person interview at the local office. You can always call the DTA Assistance Line *any time* and ask for a phone interview instead.

If you are interviewed at the local DTA office, the DTA worker must conduct the interview *in a private setting* and not in the waiting room where others can hear you. 106 C.M.R. §§361.550 and 360.300. If you feel the space you are in is not private (for example, a cubicle where you can hear other clients), you can ask the DTA worker to move the interview.

If you are applying for DTA cash assistance benefits, you will need to go to the DTA office for an in-person interview. If you are disabled and need a *home visit* to apply for cash assistance, DTA should make an accommodation to send someone to your home. See Questions 29 and 30. DTA has said they will allow households to apply for cash assistance by phone and mail if you have transportation barriers that prevent you from easily getting to a local DTA office. If DTA says you must come in person to a local office to apply, contact a Supervisor in that office or an advocate.

**If you miss the interview call**

If you do not pick up when DTA calls, DTA should leave a voicemail and call back a couple of minutes later. If you miss the phone call, you can still call the DTA Assistance Line anytime during business hours.

If you miss the scheduled interview, DTA is *required* to send you a *written notice* called a “Notice of Missed Interview” (a “NOMI”). The DTA notice must say that you have the right to another interview. 106 C.M.R. §§361.500, 361.700(B)(1).

If you do not have an interview *within 30 days* of when you applied, your SNAP application will be denied. 106 C.M.R. §361.700(B)(1). You have the right to reapply for benefits. The denied application will not be held against you, but the start date of your benefits will be the date you reapply.
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Advocacy Reminders:

- DTA cannot deny your SNAP application or make you reapply if they failed to contact you, failed to send you a notice of initial interview and/or failed to send a notice of missed interview (NOMI). You have a right to call the DTA Assistance Line and ask for a Supervisor, or call the DTA Ombudsman office. You can also file an appeal to seek retroactive benefits. See Question 107.

DTA Online Guide Sections:
- SNAP > Application Processing > SNAP Application Processing > The Application Interview
- Business Process (BP) > Procedures > Processing Procedures > (see entire book)
- Application Processing > SNAP Application Processing > Expedited Benefits

11 What happens during the interview?

During the interview, the DTA worker should:

- Screen you for expedited (emergency) benefits. See Question 3.

- Confirm the information you gave on your application and any information DTA gets through government databases.

- Review the documents you sent in, tell you what verifications DTA needs and when they are due. See Question 12.

- Answer any questions you have and offer to help if you need help getting verifications or contacting a third party for information.

- Review the exemptions and the work rules if you or a household member is subject to the ABAWD 3 month time limit. See Question 60 and Question 61.

- Tell you how long your benefits are certified for, what changes you need to report to DTA, and when you need to send back an Interim Report and/or a Recertification form. See Question 98.

- Explain your rights and responsibilities, as well as the penalties for committing fraud or for other program rules.
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- Issue you an EBT card if don’t have one – either by mail or in person at the DTA office – and tell you how to use the EBT card.


**DTA Online Guide:** SNAP > Application Processing > SNAP Application Processing > The Application Interview

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### 12 What proofs does DTA need and when?

During the interview, the DTA worker should verbally tell you what proofs are required and ask if you need their help getting them. 106 C.M.R. §§361.550. DTA should then send a verification checklist (called a “VC-1”) with at least 10 days for you to get the mandatory proofs back to them.

You have a full 30 days from the day you apply before DTA can send a denial notice. If you had an interview but some proofs are still missing by Day 30, DTA will send you a “pending denial notice.” 106 C.M.R. §361.930. This means you have another 30 days to get them missing proofs and not have to reapply. See Question 21 if your proofs get in late.

**DTA cannot limit proofs to any single document.** Any document that proves an eligibility factor should be accepted. 106 C.M.R. §§361.640(A), 361.650. If you have trouble getting DTA proofs, ask DTA for help!

The SNAP rules require that you provide proof of certain mandatory eligibility factors. 106 C.M.R. §361.610. This includes proof of:

- Identity of the head of household,
- Your Massachusetts residence,
- Social Security Numbers for all household members who are applying
- Current earned income or self-employment,
- Unearned income that DTA cannot verify through a database,
- Last day of work, if you stopped work recently, and
- Immigration status if you or a household member is applying for SNAP but is not a U.S. citizen.
- Other proofs that DTA needs to be sure you are eligible.

**Appendix C** includes a full list of the mandatory verification factors, document options, and what you need to know. **Mandatory verification** means DTA may deny your SNAP benefits unless they have the
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information or verifications requested. Some information can be self-declared (written down on the application or other piece of paper that you sign). See Question 13.

Other information DTA needs to calculate the amount of your SNAP is optional. Optional verification means that if you do not provide information or proofs, your SNAP benefits may be lower than if you provide DTA with information or proof of expenses. See Question 14.

Advocacy Reminders:

- DTA should not ask for permanent verifications you already gave them in the past, such as prove of age or identity.

- If you have trouble producing missing wage information or your last day of work, DTA can help. DTA may ask you to sign a Request for Employment Information form, see Appendix C. If there is a missing pay stub, but your pay stubs show year-to-date gross income, DTA should be able to figure out the missing week of income from other pay stubs.

- You also have a right to go to a local DTA office to meet with a worker and submit your verifications in person. DTA cannot turn you away or tell you to submit your proofs by mail or fax.

- If you had a baby and the newborn does not have an SSN yet, tell DTA the baby was born. DTA should add the baby without requiring an SSN until your next recertification or for 6 months after the baby’s birth (whichever is later).

DTA Online Guide Sections:
- Cross Programs > Verifications > Verifications Overview
- Cross Programs > Verifications > Verification Checklist (VC-1) > VC-1 Overview
- Cross Programs > Verifications > Verification Types > Mandatory Verifications
13 What information can I self-declare?

You can self-declare the following information for SNAP eligibility:

- Your household composition – for example, if you live with others but purchase and prepare most of your food separately.
- The U.S. citizenship of any household member.
- Your date of birth.
- Your shelter expenses such as your rent or homeownership costs, and the type of utilities you pay for.
- Your child care or adult dependent care expenses.

See list of SNAP verifications at application: 106 C.M.R. §§ 361.610

DTA should accept your self-declaration unless DTA determines the information is questionable. See Question 17. You can write down this information on your SNAP Application, Recertification or Interim Report forms. You can also send DTA a written statement that you sign and date, or report certain by uploading them to your case through DTA Connect. See also Appendix C for a sample self-declaration form for shelter and dependent care costs.

DTA Online Guide: Cross Programs > Verifications > Verifications Overview > Signatures on Verifications

14 What proofs are optional?

DTA needs certain information about your expenses to calculate the amount of your SNAP. These are optional verifications.

If you do not provide information or required proofs for the expenses, DTA cannot deny your benefits – but the SNAP amount will be calculated without these deductions. 106 C.M.R. § 364.450(B).

Optional proofs include shelter costs, child or adult dependent care costs, medical costs, child support paid, and business expenses. See Questions 73 and 79 through 86.
15 How do I send DTA my documents?

You can send documents to DTA one of four ways:

1. **Upload your documents** through DTA Connect. The documents go straight into your DTA case record. This is the *fastest way* to get DTA proofs! See *Question 23*.

2. **FAX** documents to DTA at 617-887-8765.

3. **MAIL** documents to:

   Department of Transitional Assistance (DTA)
   P.O. Box 4406, Taunton, MA 02780-0420.

4. **Hand-deliver** documents to any local DTA office and ask DTA to help you scan them directly into your case. You can keep your original documents and DTA should give you a scan receipt too.

**Advocacy Reminders:**

✓ You always have the option to *bring documents* at any DTA office. [*106 C.M.R. §361.650*](#). If you need DTA to take urgent action on your case, you should tell DTA you want to wait to see a case manager.

✓ DTA has *postage-paid envelopes* with the DTA Document Center address. Ask for some if you want to mail documents in the future.

✓ *Keep track of the date and proof* that you sent DTA the documents in case documents get lost. If you mail or fax in documents, write *on each page* of the documents your name and your DTA “Agency ID” (if you know it) or the last 4 digits of your SSN.

✓ If you are faxing a *double-sided document*, don’t forget to fax both sides! Photos or documents printed on grey or color paper do not fax clearly-send these documents in through DTA Connect.

**DTA Online Guide:** Business Process (BP) > Procedures > Document Handling > *Document Indexing & Dispositioning*
16 Should DTA help me if I am having a hard time getting proofs?

DTA workers are required to help you get proofs if you tell DTA you are having difficulty. 106 C.M.R. §361.650. This includes offering to do a “collateral contact” – a call to a third party – to confirm information. 106 C.M.R. §361.640(B).

For example, a DTA worker can:

- Contact an employer for missing wage information
- Contact another state to confirm the date your out-of-state SNAP case closed.

If you need DTA to contact a third party for information, DTA will need the third party’s contact information and your written permission for DTA to contact them.

DTA does not regularly and proactively offer to do a collateral contact. You need to ask DTA to make one. But if you go in person to a local DTA office, the DTA worker should affirmatively offer to make a collateral contact call if they need information about one of the following:

- Employment information
- Money you get from another person (see Question 70)
- Certain ABAWD related proofs (see Question 56)

In general, DTA cannot require you to agree to a third party contact if you can verify the information they need some other way. Your privacy is important and must be respected. 106 C.M.R. §360.400.

Trouble getting proofs

DTA can deny your SNAP if you refuse to cooperate with getting the proofs, refuse to be interviewed, or if DTA decides you do not meet the other eligibility rules. 106 C.M.R. §§361.400 and 361.650.

If you and DTA cannot get the proofs they need, DTA must accept the best available evidence for verification of income, which may end up being your self-declaration. See 106 C.M.R. §363.210(G)(3).
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For example:

- Your former employer refuses to give you information about your last day of work and will not talk with DTA. DTA should accept your self-declaration.

- You are self-employed but you do not have detailed business records and make so little you do not file taxes. You have no other records of your income. DTA should accept your self-declaration.

If you have a disability that makes it hard for you to get proofs or comply with other DTA rules, see Question 28.

DTA Online Guide: Cross Programs ▶ Verifications ▶ Verifications Overview ▶ Providing Assistance to Clients in Obtaining SNAP Verifications and ▶ Verifications ▶ Verification Methods ▶ Collateral Contact

17 What if DTA does not accept the proofs I sent them?

DTA should accept any documents that reasonably prove your eligibility, unless the information is questionable. 106 C.M.R.§ 361.640. DTA must review the individual circumstances of each household before determining whether information is questionable.

“Questionable” means the information you gave DTA is inconsistent with information you already shared with them or information they know about (e.g. through database checks). 106 C.M.R.§361.620.

Example: Sandy applied for SNAP. An RMV check shows that her ex-husband still registers his car at her address. During her interview she explained that she divorced her husband six months ago and he does not live with her. This information is not questionable and does not contradict what she said during her interview. Sandy has no control over her husband and does not own the car. Sandy should not be required to prove where her ex lives.

Advocacy Reminders:

✓ DTA must offer assistance if you are having trouble getting a document. See Question 16. If verification depends on the cooperation of a third party – such as getting wage information
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from an employer – DTA cannot deny your SNAP if the third party does not cooperate.

✓ If DTA does not accept the proofs you give them, the DTA worker must record in your SNAP case the reasons for rejecting that proof. 106 C.M.R. §361.660.

✓ If DTA asks you to prove something that you cannot, that seems unreasonable, or DTA fails to offer you help, you can ask to speak with a Supervisor, call the Ombuds Office or file an appeal.

18 What if DTA questions my income or my living expenses?

Many low income households have living expenses that exceed their income. Households often borrow from family members or friends, run up credit cards or unpaid bills that lead to a utility shut off or eviction. None of this is fraudulent activity; it is how most households survive tough times.

If DTA thinks your income is too low to meet your rent or other expenses, a DTA worker may ask you questions about how you are getting by. *It is very important that you answer DTA’s questions truthfully.*

At the point of application and Interim Reporting, DTA should record your explanations for how you are managing when your living costs exceed your income. DTA should not ask for proofs when your expenses are higher than your income, *unless* the information you provide is questionable.

However, if your shelter costs or other expenses continue to exceed your income at the point of your SNAP recertification, DTA will likely ask you for more proof. That can include documents that show you are behind in your rent or utilities, or a statement from people you are borrowing money from.

**How loans and cash contributions from third parties impact SNAP**

*Money that you borrow (loans)* from friends, relatives or other third parties and that you plan to repay, *does not count* for SNAP. See *Question 69.* DTA should calculate your SNAP based on *your own income,* but not count the money you borrow.
**Example:** Clara has been unemployed for a year following a car accident. She shares an apartment; her share of the rent is $500/month. Clara explains during her SNAP interview that she’s been borrowing money from friends to pay her rent after running up debt on her credit card, and that she is planning to repay them. The money she borrows does not count for SNAP.

*Cash contributions from legally-responsible persons* – such as your spouse or the parent of your minor child - *is countable* unearned income. It must be reported to DTA, even if it is not court-ordered alimony or child support. However, if the money is paid directly to a third party (for example, if your spouse pays the landlord or the utility company directly), it is *not* countable. See **Question 69**.

**Example:** Susan works part time and also gets $400/month from the father of her child. There is no formal child support order, but Susan must report this income to DTA along with her earnings. However, if the father sends the $400 directly to Susan’s landlord, it does not count as income. But, Susan cannot claim as a SNAP shelter deduction the portion of rent paid directly by the father.

*Cash contributions from friends, friends, or relatives* who are *not* legally responsible for you does not count as income, as long as the money is earmarked for a specific purpose and does not cover the full amount of your rent, utilities or other needs. But, unlike loans you plan to repay, DTA may calculate your expenses at a lower amount because of the gift. See **Question 70**.

**DTA Online Guide Sections:**
- SNAP > SNAP Verifications > SNAP Verifications Overview
- Cross Programs > Verifications > Questionable & Contradictory Info
- What is Questionable Contradictory Info
- Cross Programs > SLAM > Addressing SLAM
19 If I move, how do I report my new address?

It’s important to tell DTA if your address changes so you don’t miss important notices. Also, if you move and your shelter costs go up you may be eligible for more SNAP.

To report a change:

- Call the DTA Assistance Line at 877-382-2363 and follow the prompts to do an address change (no need to talk to a DTA worker),
- Change your address through DTA Connect (See Question 23),
- Verbally report the change to a DTA worker on the Assistance Line or at a local DTA office, or
- Send DTA a letter about your new address by fax or mail.

When you report a change of address, DTA should update your address in your case record. DTA may also send you a letter asking you for proof of your new address and asking you to fill out a form about other changes in your household. Under the Simplified Reporting rules, you are not required to send DTA proof of changes when you tell them your address has changed.

DTA’s policy to mail this letter when households report address changes is incorrect. You will not be penalized for not responding to this letter. Unless you are required to report a change (or you are doing an Interim Report or Recertification), it may be better for your household to not send in proofs. See Question 98.

DTA does not have the authority to reduce your benefits if you happy to verify something you are not required to verify. If DTA reduces your SNAP when you move, contact an advocate.

If your rent goes up:

*If your rent has increased, or you are now paying heating or cooling costs*, your SNAP may increase if you report the change. You are not required to report a change in your shelter costs until your next Interim Report or
Recertification. This is especially important to know if your shelter costs go down.

**For example:** Dylan is 70 years old and recently moved into subsidized housing, and his monthly rent decreased. He reported his new address through DTA Connect to be sure he gets DTA mail but not his rent change. In response to the new address report, DTA sends Dylan a letter asking for proof of his new address and changes in his housing costs. This DTA letter is incorrect. Dylan is on Simplified Reporting and is not required to report or verify that his rent is lower until his next Interim Report or Recertification.

**Note:** Different rules apply if you get both SNAP and cash assistance (EAEDC or TAFDC benefits). DTA requires you to report within 10 days any changes in your address and if the move causes changes to your rent. See Question 102.

**If DTA gets returned mail:**

DTA mail is not forwarded by the U.S. Post Office. If you move and DTA does not have your new address, DTA letters will likely get returned to DTA. However, if you left a forwarding address with the U.S. Post office, DTA should use that information to update your address and send a check-in notice to your new address.

**Cash Assistance cases:**

If you get DTA cash benefits (TAFDC or EAEDC) in addition to SNAP, DTA may close your cash case if you move but do not respond to DTA letters asking you to verify your new address. DTA’s policies for handing returned mail in cash assistance cases may not follow the law. Contact an advocate.

**DTA Online Guide:**
Cross Programs > Request for Assistance (RFA) > Address (RFA)
Business Process (BP) > BP - Overview > Returned Mail
Business Process (BP) > Procedures > Processing Procedures > Completing Unvalidated Address Change Requests (SNAP)
20 Can I get my SNAP case reopened if I am denied for lack of proofs?

It depends. DTA must give you a full 30 days to get in proofs before your SNAP application is denied – that’s 30 days from the date you applied for SNAP. DTA must also send you a timely notice of the verifications they need and alternative proofs you can send.

If the proofs DTA needs are still missing by day 30, DTA will send you a pending denial notice. 106 C.M.R. §361.930. The SNAP pending denial notice should list the specific proofs that are still missing, and tell you that you have another 30 days to bring in these proofs.

If you get the proofs to DTA within this second 30 day period, your case should get reopened. You do not need to reapply. 106 C.M.R. §361.940. However, your benefits may be prorated. See Question 21.

Example: Vicky applied for SNAP on June 1. She sent DTA most of the required verifications by June 29, but was missing wage stubs from one of her part-time jobs. Vicky was sent a denial notice dated June 30th telling her she was denied and the proofs missing. Vicky sends DTA the missing wage stubs on July 10. DTA should reopen Vicky’s SNAP application without making her reapply.

DTA Online Guide Sections:
- Cross Programs > Verifications > Verifications Overview
- SNAP > Application Processing > SNAP Application Processing > The BEACON-generated Pending Denial Notice
What if DTA does not give me SNAP back to the date I applied ("pro-rating")?

If DTA denies your SNAP benefits for missing proofs, but you sent DTA the missing proofs within 30 days of the denial, DTA should reopen your SNAP application. You do not need to reapply.

However, DTA may only give you benefits starting with the date DTA received the required proofs, not the date you applied for SNAP. This is called “pro-rating.” DTA delays the start date if they decide you were at fault for the delayed proofs.

**Example:** Louise applied for SNAP on June 1st but had trouble proving her earnings. She got a “pending denial” notice on June 30th. Louise was finally able to send DTA the missing pay information on July 10th. DTA approved her case, but only gave her SNAP starting July 10th.

Your SNAP benefits should not be “pro-rated” for the first month if the reason for the delay was not your fault. 106 C.M.R. §§361.910-361.920

**Example:** In the above case, Louise told DTA that her employer was refusing to give her a statement about the missing wage information. The DTA office did not offer to contact the employer or otherwise help Louise. In this situation, the delay in getting the earnings proof was not her fault. DTA should not have prorated her SNAP benefits.

A delay is not your fault if:

- DTA did not tell you which proofs they needed or what alternate proofs they can accept, or
- You sent DTA proofs but they did not look at them, or DTA did not inform you that the proofs you sent them were not adequate,
- DTA did not give you enough time to get in proofs, or
- DTA did not offer help if you had trouble getting the proofs.

DTA’s eligibility computer system (BEACON) is programmed to decide whether the delay was DTA or applicant fault based on what the computer
Part 1 ▪ Application and Proofs

system thinks happened in the case. This “automated” decision may not be correct, especially if the DTA worker failed to offer help.

It is important to check if your SNAP was pro-rated and, if it was, ask DTA how they determined “fault.” You can figure out if your SNAP was pro-rated by checking the amount that is put on your card when your case is approved. If you disagree with DTA’s decision to prorate your benefits, you can talk to a Supervisor, the DTA Ombuds Office or file an appeal.

Advocacy Reminders:

✔ If you submit verifications to DTA within 30 days after you got a pending denial notice, call the DTA Assistance Line and ask them to review the documents you submitted.

✔ If you were denied or terminated from SNAP within the last 90 days, you still have a right to appeal that denial or termination. The hearing officer should accept any proofs you provide at the hearing under special “de novo” appeal rules. See Question 108. You should also reapply for benefits (to get back on quickly) even if you file an appeal for retroactive benefits.

DTA Online Guide: SNAP > Proration > Proration Overview

Additional Guidance:

● Detailed DTA procedures for determining client “fault” versus DTA “fault.”

Ops Memo 2014-30 (June 11, 2014).
22 How do I get information about my SNAP by phone?

Call the DTA Assistance Line at 1-877-382-2363 to hear automated information about your case or speak with a live worker.

Through the Assistance Line’s Interactive Voice Response (IVR) system, you can hear information about your case and report certain changes, 24 hours/7 days a week including:

- The status of your case
- Date that DTA last received a document from you.
- Amount of your benefits and next date you will have benefits deposited on your EBT card.
- The address of your local DTA office.
- Information about DTA’s SNAP and cash programs.

You can also use the IVR to make changes or request information, including:

- Update your address
- Update your phone number
- Request a new EBT card
- Request a DTA “Income Verification Letter” that shows the amount of your DTA benefits.

Your case information

To get personal information on your case, you need to enter your identifying information (such as SSN and year of birth. If you are worried about unauthorized callers trying to get your personal information, talk to DTA about a “block” on this service. See Question 32.

To speak with a DTA SNAP worker

Call Monday through Friday from 8:15AM to 4:45PM and follow the prompts to reach a case manager. The worker will ask for your name, your DTA Agency ID (if you know it) or your SSN. This helps the worker confirm who you are and look up your case. Be sure to ask the worker for their name and write it down. If you are not satisfied with the call, you can ask for the worker’s Supervisor or local office Manager.
Part 1 ▪ Application and Proofs

If you are calling because you need to do an interview for an application or recertification, the DTA worker should do an interview on the spot and not tell you to call back later.

If there are long waits on the phone, sometimes DTA allows a “call back” option, meaning a DTA worker will call you back. Be sure to leave a phone number where DTA can reach you in the next 24-48 hours.

If you have an urgent issue and do not have a call back option, you can go in person to a DTA office or call the DTA Ombuds, see Question 31.

Advocacy Reminders:

✓ If you are a helping agency or advocate calling on behalf of a client, let the DTA worker know that a signed client consent authorizing you to speak with DTA was sent to DTA. The worker should look up that information in BEACON. See Appendix C for sample consent form.

✓ Individuals and families getting TAFDC or EAEDC cash assistance (and SNAP), have an assigned DTA worker at their local DTA office and will be referred to that worker if they call the Assistance Line.

✓ Certain “free” cell phones – such as Lifeline, SafeLink and Assurance – use up limited cell phone minutes for toll free phone calls, including DTA’s Assistance Line. If possible, try to use a landline or the phone of a social service agency line if you have limited cell phone minutes.

DTA Online Guide: Business Process (BP) > BP - Overview > SNAP First Available Worker Model
23 How do I get information about my SNAP case online or with my smartphone?

DTA Connect

DTA Connect is a mobile app for DTA clients. It is free and can be downloaded for iPhones at the App store or for Androids on Google play. DTA Connect can be used on a smartphone or tablet (such as an iPad).

Once the app is downloaded, you can log in and see:

- Your case status, monthly benefit amount, next benefit issue date, EBT card balance and recertification due date.
- Alerts including upcoming appointments or deadlines.
- Copies of DTA notices sent in the previous 90 days.
- If DTA processed documents you recently submitted.

You can also use DTA Connect to communicate with DTA including:

- Send DTA documents by taking a picture in the app. These documents go directly to your case record! This is the fastest way of getting DTA documents.
- Ask DTA for a letter that verifies the amount of benefits you get.
- Tell DTA about a new address or phone number.
- Opt-in or opt-out of text messages from DTA.

DTACConnect.com online case information portal

DTACConnect.com is a client portal for households that have access to the Internet and an email address. You can see even more information about your SNAP or cash case than on the mobile app.

To set up an account, go to DTACConnect.com. Input your email address, your first name, last name, date of birth, and then create a password. You will be asked for one of the following to log in and see your case information:

- Your SNAP Web Application Number,
- DTA Agency ID (listed on all DTA notices),
- Your Social Security Number, OR
- Your EBT Card Number
Part 1 • Application and Proofs

Information on DTACConnect.com includes:

- Case status, monthly benefit amount, next benefit issue date, EBT card balance, and recertification due date.
- The names of other household members.
- The amount and date of all benefits issued.
- Copies of DTA notices going back 18 months.
- List of documents received by DTA in the past 18 months with document type, status, and date received.
- Ability to submit verifications online.
- Ability to submit an online Interim Report or Recertification (no need to send DTA a paper form if completed online!). See Question 100 and 104.

You can print out information about your monthly benefits to give to another program.

DTA Online Guide: Home > DTA Connect > DTA Connect Overview

24 Should I agree to get text messages from DTA or give DTA my email address?

DTA is expanding the ways they share case information and updates. If you choose to give DTA permission to text you or give them your email address, you may be able to get case information more quickly in the future.

Text Messages from DTA: If you tell DTA you want to get text messages, they will still mail you DTA notices and forms. Message and data charges may apply. Contact your cell phone provider about data charges.

Email messages from DTA: As this Guide goes to print, DTA does not email SNAP households. If you give DTA your email address, DTA should notify you about the email options available to clients once they have a system in place to communicate with you through email. At that time, DTA should tell you how it will work and give you the choice to opt in or out.
25 What is the Senior Assistance Office?

The Senior Assistance Office (SAO) is a special DTA office designed for customers age 60 and over to answer questions and process SNAP cases.

**Senior Assistance Office Phone:** 833/712-8027

You can reach a live DTA worker without having to enter any information. If there is a wait time, DTA will give you the option of leaving a message to get a call back from an SAO worker.

The SAO is specially trained to work on SNAP cases for seniors, including how to identify and verify medical expenses. See Questions 80 and 81. If you are age 60 or older and you apply for SNAP, the SAO will do your phone interview, answer your questions and process your SNAP case.

26 What if I do not speak English?

If English is not your primary language, DTA must provide you with a bilingual DTA worker or communicate through a translation service. When calling the **DTA Assistance Line**, DTA has a recording with the prompts you can push to get service in your language.

As this Guide goes to print, the DTA Assistance Line has language capacity in English, Spanish, Portuguese, Cantonese, Vietnamese and a separate prompt to push for other languages.

If you select a language other than English, then:

- You should be connected to a bilingual DTA worker, or
- The DTA worker should add a bilingual DTA interpreter to do a three way call with you, or
- The DTA worker should use their language line interpreter service.

**SNAP applications in other languages**

The DTACconnect.com online application is currently in English, Spanish, Portuguese, Haitian Creole, Cantonese, and Vietnamese.
Part 1 • Application and Proofs

DTA also currently has paper applications in 13 languages: Spanish, Portuguese, French, Haitian Creole, Chinese, Vietnamese, Khmer, Korean, Russian, Italian, Polish, Arabic and English. You can download and print these applications at Mass.gov/snap.

When you fill out the application, be sure to tell DTA what language you prefer.

DTA currently only sends SNAP notices and forms in English and Spanish. DTA also sends a standard flier in other languages that recommends you get the information translated.

Advocacy Reminders:

✔ Under federal law, DTA must provide you with an interpreter if you need one. DTA should not tell you to bring your own interpreter. See Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d. DTA should not tell you to have a family member interpret for you.

✔ Federal SNAP law requires DTA to have certain written materials in other languages if there are at least 100 households in the area served by the DTA office that speak that language. 7 C.F.R. §272.4(b)(3). Issues related to an Interim Report or Recertification may not be valid if it was not sent in your primary language.

✔ For more information on the federal and state government’s duties to persons with limited English proficiency (LEP), see www.lep.gov and www.justice.gov/crt/executive-order-13166.

DTA Online Guide: Cross Programs > Interpreter Services > Interpreter Services Overview, Department Interpreter Services and Guidelines for providing Interpreter Services
What if I am deaf or hard of hearing?

If you are deaf or hard of hearing, DTA must ensure effective communication with you. 106 C.M.R.§360.510. DTA requires staff to be trained on and use auxiliary aids.

Both the printed and online SNAP applications ask if you need support services or have a special situation for which you need interpretation services. This can include if you need interpretation, communication access real time translation (CART), or sign language interpretation to communicate with your case manager.

5 DTA local offices have Video Remote Interpreting (VRI) services:
- Brockton
- Newmarket Square
- Lawrence
- Springfield
- Worcester

VRI is an auxiliary aid to communicate with Deaf and hard of hearing individuals using remote American Sign Language (ASL) interpreter services. If you are Deaf or hard of hearing and would like ASL interpreter service through VRI, go to an office with VRI or contact a Client Assistance Coordinator to set up an appointment in advance.

For a list of Client Assistance Coordinators in each local office, go to Masslegalservices.org/content/dta-client-assistance-coordinators-disability-access

DTA Online Guide:
- Cross Programs > Harper/ADA > Available Auxiliary Aids
- Cross Programs > Harper/ADA > Serving Deaf and Hard of Hearing Clients at VRI TAOs
- DTA Job Aid: “Using MassRelay: Telephonic Assistive Technology” found in the DTA Online Guide at Interpreter Services – Policy and Procedures
28 What if a disability makes it hard for me to apply or comply with DTA rules?

The federal Americans with Disabilities Act (ADA) requires DTA to provide equal access to programs and services to qualified people with disabilities. 42 U.S.C. § 12132; see 106 C.M.R. §§360.250, 701.390.

Under the ADA you are a person with a qualifying disability if you have a disability that substantially impairs a major life activity, such as learning, understanding, walking, working, breathing, or caring for yourself. Disabilities include physical or mental health impairments, and intellectual disabilities. A temporary health problem like a broken leg may not be a disability under the ADA.

You can be disabled under the ADA even if you are not receiving any benefits on the basis of disability and even if DTA has decided you do not qualify for an exemption because of disability.

If a disability makes it hard for you do the things DTA asks you to do to get and keep your benefits, you can ask DTA for a reasonable accommodation. An accommodation may be appropriate if your disability makes it hard for you to:

- Understand DTA’s notices and form
- Give DTA the verifications it asks for
- Communicate with DTA
- Meet deadlines or a specific rule or requirement

DTA must tailor the accommodation to what you need because of disability. Examples of accommodations can include:

- Giving you extra help to meet a rule
- Giving you extra time to meet a deadline
- Changing a requirement or rule
- Naming someone to get copies of mail DTA sends you, or talk to DTA on your behalf (See Question 7 on choosing to appoint an Authorized Representative)
- Providing an auxiliary aid (such as an ASL interpreter or large print notices)
Example 1: You have severe depression and post-traumatic stress disorder (PTSD). You need help getting verifications and you cannot go in person because taking public transportation and being in crowded waiting areas trigger your PTSD symptoms. You can ask DTA to help you get verifications and to schedule phone appointments instead of in-person appointments.

Example 2: Because of your learning disability, you need help understanding DTA notices and help completing the paperwork that DTA asks you to complete. DTA should accommodate you by explaining notices to you and by filling out the forms with you instead of requiring you to fill forms out by yourself.

Example 3: You have a hearing, vision, or other condition that makes it hard for you to communicate. DTA should ask you what kind of help you prefer to communicate with DTA. This help is usually called an auxiliary aid. DTA should try to provide your preferred auxiliary aid or work with you to find an acceptable alternative.

Example 4: Because of your disability, you need help explaining to your health care provider that you need an exemption from the 3 month “ABAWD” time limit. See Question 60. You have a hard time communicating with third parties because of your disability. You need DTA to contact your health care provider to complete the special ABAWD Medical Report.

Advocacy Reminders:

✓ An accommodation can be requested at any time, including after DTA has issued a notice stopping or lowering your benefits.

✓ DTA cannot require you to accept a specific accommodation (such as requiring a helper or authorized representative to act for the client). Instead, DTA should work with you to find an accommodation that you agree to.

✓ DTA is not required to provide an accommodation that fundamentally alters its program rules. For example, DTA cannot waive the federal SNAP law that counts the income of a child turning age 18, even if the child needs more time to finish school.

DTA Online Guide: Cross Programs > Harper/ADA (see OLG book)
29 How do I ask DTA for an accommodation?

DTA is required to ask all clients if they have a disability and need an accommodation. A DTA worker is supposed to ask these questions at application and recertification, and also when a client raises disability. You can ask for an accommodation at any time that you need one.

You can ask a DTA case worker to connect you to a Client Assistance Coordinator for an accommodation, or you can talk to the Client Assistance Coordinator in your local DTA office. Each DTA office has a Client Assistance Coordinator (CAC) who can help with the accommodation process and other disability related needs. You should explain why the disability means you need the accommodation you are requesting.

Once you ask for an accommodation, the process to figure out what accommodation is appropriate is supposed to be interactive. For example, if you ask for something DTA says they cannot do, instead of denying your request, they should discuss other options with you.

DTA does not usually ask for medical proof that you need the accommodation. If DTA does ask for proof, you can ask the Client Assistance Coordinator to help you get it. For a list of Client Assistance Coordinators in each local office, go to Mass.gov/service-details/department-of-transitional-assistance-disability-access

30 What are my rights if DTA denies my reasonable accommodation?

It is unusual for DTA to deny a request for reasonable accommodation. However, if DTA cannot approve the specific accommodation you ask for, they are supposed to discuss what they can do instead. If DTA has not approved an accommodation you think you need, though, you may appeal.

DTA should give you a written decision on your request for reasonable accommodation no later than 30 days from your request. If DTA denies your request, or any part of it, you can ask the DTA Central Office Accommodation Appeal Committee to review the decision by filling out the back of the form and sending it to DTA.
Part 1 ▪ Application and Proofs

The Committee has 10 days to make a decision on the reconsideration request. You can also file your request directly with the Committee if the local office does not decide your request in 30 days.

If the DTA Central Office Accommodation Appeal Committee denies your request for accommodation in whole or in part or does not make a decision in 10 days from your request for a decision, you can request a hearing by filling out the back of the form and sending it to the Division of Hearings.

Try to get a legal advocate to help you with your request for review and your appeal. See Appendix E for a list of legal services offices. See Part 6 on your appeal rights.

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31 How can the DTA Ombuds Office help?

DTA has a special DTA Ombuds Office to handle client complaints and concerns. You can call the Ombuds Office any time you need help fixing your SNAP case.

DTA Ombuds Office: 617-348-5354

If you get an answering machine, leave a detailed message with your full name, your Agency ID or SSN, and a phone number where you can be reached. If you do not get help with your case, contact an advocate. You also have the right to appeal any decision made by DTA See Part 6.

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32 What if I have concerns about security or access to my case including domestic violence or identity theft?

DTA can take steps to protect you from people who may try to harm you or steal your personal information. There are two ways to do this: a “block” on certain information sources, or a “Heightened Level of Security.”

If you are concerned about safety and unauthorized persons accessing your information, you can ask DTA to put a “block” on online services. Note, if you decided to ask DTA to block your information, you will not be able to get information about your case through DTA Connect or the DTA
Part 1  Application and Proofs

Assistance Line IVR. But you can still talk to a live DTA worker over the phone or in person at a local DTA office.

You can ask for this block by calling DTA at 1-877-382-2363 and asking a worker to put a block on online services on your case. You can remove the block at any time, just call DTA and ask them to remove the block.

You can also ask DTA for a “heightened level of security” on your case. This means that DTA will put extra privacy protection on your case. This can be very important for victim of domestic violence or violent crimes.

If you ask for heightened security, DTA will only talk with you in person at your local DTA office. You also won’t be able to use DTA Connect or the Assistance Line IVR. To ask DTA for heightened security, you need to fill out and send to DTA a Request for Heightened Level of Security form.

Advocacy Reminders:

✓ DTA has Domestic Violence Specialists in each DTA office to assist individuals who are experiencing or have experienced Domestic Violence. DTA households can ask to speak with a DV Specialist at any time. For a list of DV Specialists, go to Masslegalservices.org/DTAcontacts

DTA Online Guide Sections: DTA Connect > DTA Connect Q and A and Cross Programs > Heightened Level of Security > Heightened Level of Security Impact

33  What is a Photo EBT card and who needs to have one?

In 2013, the Massachusetts Legislature passed a state law to require some of the SNAP and cash assistance recipients to have EBT cards with a photo of the head of household. M.G.L. Chpt.18 §2 (B)(k). Due to advocacy by a range of state organizations, the final state law exempts over 75% of Massachusetts SNAP and cash recipients from the photo EBT rule.

Regardless of what your card looks like, all EBT cardholders and their household members have the same rights when using the EBT card to buy food.
There are basically two types of valid EBT cards in Massachusetts:

The back of each card states: “This card may be used by any household member.” All household members are authorized to use the EBT card at the grocery story. The PIN is your electronic signature, just like a debit card. Here are your customer rights:

- Stores cannot refuse to let a household member use the card because their name or picture is not on the EBT card.
- Stores that accept EBT cards cannot set up “SNAP-only” checkout lines or refuse to let you use self-checkout lines.
- Store clerks should not treat SNAP recipients differently from other shoppers who use credit or debit cards.
- Stores should not ask to see the photo EBT card unless it is store policy to inspect ID of all debit or credit card customers.

Federal rules protect the right of all authorized members to use the EBT card and to not be discriminated against: 7 C.F.R. §274.7(A), 7 C.F.R. §274.8(b)(5)(iv) and 7 §C.F.R..278.2(b).

Households EXEMPT from photo EBT card

You do not need a photo EBT card if you are the head of household and:

- Age 60 or older
- Disabled or blind
- Under age 19
- Homeless
- A victim of domestic violence
- A person with a sincerely held religious belief.
- An authorized representative transacting SNAP on behalf of a household.
Part 1 ▪ Application and Proofs

DTA automatically exempts persons age 60 or older, or receiving a disability-based benefit (such as SSI or EAEDC). Victims of domestic violence and other persons with disabilities can self-attest to their situation, without having to provide additional verification.

DTA also does not issue photo EBT cards for adults applying on behalf of eligible dependents but not applying for themselves, such as a non-citizen applying on behalf of eligible children.

If you have a photo EBT card but you later became exempt from the photo EBT rules (for example, you turn age 60 or become disabled), DTA will issue you a new EBT card without a photo and not charge you any replacement fee. You can qualify for a “Valid-without-photo” EBT card.

How photo EBT cards are issued

If you have a current Mass Driver License or Mass State ID, DTA typically uses the RMV photo for the EBT card. If you do not have an RMV photo, DTA may send you a notice for an EBT photo appointment. You can reschedule the photo appointment if you have a conflict. You can also go to any DTA office to have your photo taken.

Important: DTA cannot hold up or delay or close your SNAP case while scheduling your photo appointment. DTA should also take hardship (such as lack of access to transportation) into account.

Advocacy Reminders:

✓ USDA has extensive regulations requiring states to follow certain photo EBT rules. The rules require states to offer a hardship exemption for individuals who cannot get to a SNAP local office (for example, because of lack of child care or transportation); to issue an EBT card to expedited applicants without delay; and not deny or withhold SNAP to an entire household if the head of household does not comply with photo EBT. 7 C.F.R. 273.8(f)(5), 7 C.F.R. 274.8(f)(7)


✓ Contact MLRI if you have an issue with a photo EBT card. For more information about photo EBT in MA, go to our webpage: Masslegalservices.org/photoEBT

DTA Online Guide: Cross Programs > EBT > Photo EBT Requirements
Part 2

General Eligibility Rules

34 What is a SNAP household or assistance unit?

A SNAP household or assistance unit is either a person living alone or a group of people living together. The SNAP rules look at whether persons who live together customarily purchase and prepare” food together. 106 C.M.R.§361.200.

Needs-based programs such as TAFDC, EAEDC, SSI, and MassHealth, consider the legal responsibility of persons who live together: spouses to spouse, parents to minor children. The SNAP program is different. SNAP looks at the income of persons living together who have a legal obligation to support as well as other individuals who buy and share food together. This is a fundamental concept of the SNAP program, but it can confuse both low-income households and advocates because eligibility differs from other needs-based programs.

See Question 35 and 36 for the “household composition” rules about who must be included in your SNAP household.

35 Can I get benefits separately from other people I live with?

If you buy and prepare most of your own food separately, you should qualify for your own SNAP benefits. You are not required to store the food separately or to use a different stove or refrigerator. You are also not required to have cooking facilities to qualify for SNAP. 106 C.M.R.§361.200.
Part 2 ▪ General Eligibility Rules

On the application form, if you live with other individuals, you will be asked to list your “household members” and answer whether you purchase and prepare food together. You must answer this question truthfully.

If you are sharing an apartment with others, you are not required to list them or their SSNs on the SNAP application as “household members” unless you are buying and preparing most of your food with them. But there are exceptions for certain people required to be in your household, such as spouses and children under age 22. See Question 36.

If you do not have money to buy food, you may be able to get food from food pantries, free meals from a church or soup kitchen, or borrow money for food. DTA should ask for proof of your living situation and how you are getting by only if the information you provide appears “questionable.” See Question 17.

**Example 1:** Jane and Steve are roommates who share an apartment. Both have jobs, but Jane only has part-time work. They occasionally share a meal together, but they buy, make, and eat the majority of their food separately. Jane and Steve can be separate SNAP households. Unless they are a legally married couple, they can be separate SNAP households.

**Example 2:** Sally is a single mother with one child. She is 25 years old and shares an apartment with her older sister. Sally pays half of the rent. She purchases and prepares the majority of her own food for herself and her child. Sally and her child can be a separate SNAP household.

**DTA Online Guide:** SNAP > Eligibility Requirements > Household Composition

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**36 Who cannot be a separate SNAP household?**

Some people cannot be a separate household even if they buy and prepare their food separately. These are the three situations where household members must be part of the same SNAP household:

- A child under age 22 who lives with a parent or stepparent must be in the same SNAP household as the parent. 106 C.M.R.§361.200(A)(3).
Part 2 ▪ General Eligibility Rules

- A child (other than a foster child) under age 18 who lives with a responsible adult must be in the same household as the adult - regardless of relationship. 106 C.M.R §361.200(A)(2).

- A legally married couple who lives together must be in the same household, even if they never share food or meals together. 106 C.M.R. §361.200(A)(1).

**Example 1:** Kelly is a single parent, age 20, of a 1 year old daughter. They live with her parents who work. Kelly receives TAFDC for herself and her baby. However, due to her age, Kelly cannot get her own SNAP benefits and must be part of her parents’ SNAP household (if they get or are applying for SNAP). She and her baby are eligible as a separate SNAP household once she turns 22 if they purchase and prepare their food separately.

**Example 2:** Katherine is 65 years of age and receives Social Security. She cares for two grandchildren, ages 8 and 12, and receives child support for them. Katherine cannot get separate SNAP benefits for her grandchildren because they are minors and she provides financial control and supervision for them.

### A “SNAP shot” on separate household status for persons who live together

<table>
<thead>
<tr>
<th>persons who live together</th>
<th>Separate SNAP HH?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unrelated persons who purchase and prepare most food separately from each other.</td>
<td>YES</td>
</tr>
<tr>
<td>Related persons – other than spouses or children under age 22 – who purchase and prepare most food separately.</td>
<td>YES</td>
</tr>
<tr>
<td>Spouses who live together, regardless of food purchase/preparing. Unmarried parents of children in common who live together.</td>
<td>NO</td>
</tr>
<tr>
<td>Persons under 22 years who live at home with their parents. Children under 18 living with adults who supervise them.</td>
<td>NO</td>
</tr>
</tbody>
</table>

See Questions 43 and 44 on right to opt out a foster child or foster adult.

**Advocacy Reminders:**

- The TAFDC and SNAP rules differ in the treatment of teen parents. Although a teen parent age 18 or older can get her own TAFDC grant for herself and her baby when living with her parents, the SNAP rules do not allow the teen to get her own SNAP benefits separate from her parents until she turns age 22. If her parents do not wish to apply for SNAP, the teen parent is not SNAP eligible. Her TAFDC benefits should continue.
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✔ The TAFDC and SNAP rules also differ in the treatment of children living with relatives. A grandparent, stepparent, aunt, or other relative can receive separate TAFDC for a dependent child, without being on the TAFDC grant or having his/her income count. In the SNAP program, a relative who cares for a child in the home cannot get separate SNAP for that child, even if they are not the legal guardianship or adoptive parent.

DTA Online Guide: SNAP > Eligibility Requirements > Household Composition

Additional Guidance: In joint custody situations, the parent who exercises most supervision gets SNAP benefits for child, even if the court order awards custody to other parent; if equal supervision, parents decide which parent receives SNAP for child. Hotline Q&A (Feb. 2012).

37 What if I live with others but I have a disability that makes it difficult to prepare my food?

There are two options, even if you are unable to prepare your own meals:

**Option 1**: *If your disability makes you unable to purchase and prepare your own food*, you can get SNAP separately from the people you live with – even if they shop and cook food for you.

This option is available as long as the *majority* of the food you eat is purchased with your income and prepared for you, separate from the people you live with. However, this option is not available if you live with your spouse or parents (if you are under age 22) and they are doing the cooking and shopping for you.

There are many reasons why persons with disabilities may have meals prepared separately. You may have a special diet, eat meals at different times from others, or keep your income and living expenses separate from others. This should not prevent you from getting your own SNAP benefits.

**Example**: Tom is a 35-year-old disabled adult. He shares an apartment with a roommate, Joe. Because Tom is unable to buy and cook his own food due to his disability, Tom gives Joe money each month to buy his food and Joe prepares it. Sometimes they share a meal, but the majority of the food Tom eats is purchased with his
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own money and prepared separately. Tom qualifies for his own SNAP household.

**Example:** Tom is a 15-year-old disabled teenager and gets SSI. He shares an apartment with his dad. His dad uses a portion of his SSI income to buy food for the special diet recommended by his doctor. His dad also makes his food separately because of his strict dietary restrictions. Because Tom is under 22 – even though his dad buys and makes food separately for Tom – Tom does not qualify for his own SNAP. Tom and his dad must get SNAP together.

**Option 2:** If you are 60 or older and have a permanent disability, you may be able to get SNAP separately for yourself even though you share food bought and cooked with the people you live with. 106 C.M.R. §361.200(B)(4). To qualify for your own SNAP benefits, you must meet three criteria:

- Be severely disabled,
- Be age 60 or older, and
- The gross income of the other people you live with must be less than 165% of the federal poverty level (FPL).

**Example 2:** Bertha is a 75-year-old disabled woman. She receives $1,000 per month in Social Security benefits. Bertha lives with her 40-year-old daughter Mary, and Mary’s two teenage children. Mary’s gross income is $1,200 per month. Mary purchases and prepares the meals for the entire household, including her mom Bertha. Since Bertha is both disabled and over age 59 years of age, Bertha can qualify for a separate SNAP benefit. That’s because her daughter Mary’s gross income is below 165% of the federal poverty level for a family of three. Mary also has the option to apply for SNAP as a separate SNAP household with her children. The two separate households will receive more in SNAP benefits than if they were in one SNAP household of four persons.

**Note:** Households that are caring for frail elders or persons with disabilities and receive adult foster care payments can exclude (“opt out”) the foster adult. This excludes the foster care payments as income and can increase the SNAP benefits. 106 C.M.R. §361.240(F). See Question 44.

**DTA Online Guide:** Home > SNAP > Eligibility Requirements > Elderly/Disabled > Separate Household Status for Elderly Disabled
38 Are there special rules for seniors and persons with disabilities?

If you are disabled or a senior aged 60 or older you may benefit from special rules including:

- More of your shelter costs can be deducted in the SNAP math. See Question 88.
- You can claim out-of-pocket medical expenses as a deduction to boost your SNAP benefits. See Question 80.
- You might still qualify for some SNAP benefits even if your gross income exceeds the 200% gross income test. However, you must also meet a $3,500 asset test. See Question 67.
- You may be able to waive the five-year waiting period for immigrant adults who are LPRs, parolees or battered. See Question 50.
- You may be eligible to apply as a separate SNAP household even if you live with others who buy and prepare food for you. See Question 37.
- You may benefit from special certification rules that mean you get SNAP for longer and do not need to complete Interim Reports. See Question 101.
- You can also use the DTA Senior Assistance Office for help. See Question 25.

39 How do I show DTA I am disabled?

Under the SNAP rules, you are considered disabled only if you receive one of the following benefits:

- Supplemental Security Income (SSI) benefits or social security disability benefits (sometimes called “RSDI”),
- EAEDC cash assistance benefits, based on a severe disability,
- certain disability retirement pensions, if you have a severe disability,
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- railroad retirement disability benefits,
- veteran’s disability benefits or benefits for a spouse or children, depending on severity of disability,
- MassHealth (Medicaid) for persons with disabilities, or
- TAFDC benefits where you are exempt from the TAFDC time limits and work rules based on a severe disability.

Cash Assistance Disability Determinations

If you receive EAEDC or TAFDC cash assistance, in order to meet the SNAP disability criteria you must meet the SSI standards of disability. DTA uses the Disability Evaluation Service (DES) at UMass Medical School. When DES reviews disabilities, they code recipients based on the severity of disability. Individuals that meet SSI standards are given the following codes on the DES Decision Tracking Form sent to DTA: codes 100, 110, 120, or 130 on their “Determination Tracking Form.”

Be sure to ask DTA what the DES decision code is on your case if it would make a difference in your qualifying for SNAP or in the SNAP math.

MassHealth Disability Determinations

MassHealth does not regularly conduct disability evaluations unless required for a higher level of health care coverage. When MassHealth needs a disability evaluation they use DES disability standards to upgrade persons from MassCare Plus to MassHealth Standard and for CommonHealth. 130 C.M.R. §505.002(F), §519.007(B) and (C).

MassHealth recipients often do not need a disability determination because the scope of health benefits is adequate to meet their needs. Individuals tend to apply for a disability determination if their income exceeds 133% FPL and they need more coverage under CommonHealth, or if they need long term nursing care services or other services not included in CarePlus.

Even if you do not need more health coverage, you can still seek a disability determination if doing so would help boost your SNAP. Having the DES disability determination may allow you to claim your out-of-pocket medical expenses and actual shelter costs that can boost your SNAP benefit.
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To get a disability determination, fill out the MassHealth Adult Disability Supplement, and each of the Medical Records Release Forms. Send the full document to:

Disability Evaluation Services
UMASS Medical DES
P.O. Box 2796
Worcester, MA 01613-2796

For copies of the MassHealth Adult Disability Supplement, go to: Mass.gov/eohhs/docs/masshealth/appforms/mads-adult.pdf

Start this process by completing and submitting the disability supplement paperwork as soon as possible. It is possible that DTA may issue you back benefits based on disability.

For more information on the difference between MassHealth Standard and MassCare Plus, see MLRI’s chart describing the programs here: Masslegalservices.org/content/careplus-table-comparing-benefits-standard

Immigrants and Disability Determinations

Legally present (LPR, parolees, battered) immigrants under age 65 who receive EAEDC will have a disability determination done by UMass DES. Elder immigrants who get EAEDC cannot get a DES disability evaluation. Instead, if you are an elder immigrant receiving EAEDC, DTA has a special medical form where your doctor can certify that you meet the SSI standards. This is especially important for lawful permanent residents subject to the 5-year waiting period. See Question 50.

DTA Online Guide Sections:
- SNAP > Eligibility Requirements > Elderly/Disabled > SNAP Disability Requirements and Verifications
- SNAP > Eligibility Requirements > Elderly/Disabled > Processing a Claim of Disability to Qualify for the Special Regulations for SNAP Eligibility.
What if I am homeless or live in a shelter?

You do not need a permanent address, cooking facilities or a regular place to live to get SNAP. 106 C.M.R. §362.100. You can get benefits if you live on the street, are staying at a homeless shelter or a shelter for victims of domestic violence. 106 C.M.R. §361.240(B). You can also get SNAP even if you get free meals at the shelter or soup kitchen/meals program.

If you do not have an address where you can regularly pick up mail, you can have mail from DTA sent to a local organization such as a shelter that accepts mail for clients, or to a U.S. Post Office Box. If needed, you can also pick up your DTA mail at your local DTA local office if you sign a DTA “Using TAO for Mailing Address” form.

When you apply, DTA will ask for proof of your identity. 106 C.M.R. §361.610(G). If you do not have any ID, there are many ways you can prove who you are. This includes a written statement from a staff person at a soup kitchen, detox program or shelter. 106 C.M.R. §361.640(B). DTA will also ask for and verify your SSN. Once verified, your SSN serves at proof of identity.

If you are placed in Emergency Assistance (EA) shelter or are transferred while in EA, the Department of Housing and Community Development (DHCD) should update your address with DTA directly. However, you should still confirm DTA has your correct address. See Question 19.

You may also qualify for emergency or expedited SNAP. See Question 3. And the $152 homeless deduction should be used to calculate your countable income. See Question 86.

Homeless ABAWDs

If you are between age 18 and 49 without children and lack a stable nighttime residence, you may be exempt from the ABAWD (able-bodied without dependents) three-month time limit. You can call the DTA Assistance Line to claim an exemption or complete a special DTA ABAWD Homeless Exemption Form. See Question 61.
41 Am I eligible for SNAP if I live in a hospital, school, or other institution?

If you are living in a hospital, nursing home, prison or other institution for more than 30 days where you get the majority of your meals (more than half), you do not qualify for SNAP. Institutions include hospitals, boarding schools, nursing homes, mental health facilities, prisons and similar institutions. 106 C.M.R §361.240(A) and (B).

You cannot include your children in your SNAP case if they have been placed in Department of Children and Families (DCF) or Department of Youth Services (DYS) custody.

However, there are a number of exceptions that permit residents of certain institutions to receive SNAP. 106 C.M.R.§361.240(B). You may still be eligible for SNAP if you live in the following settings:

- federally subsidized housing for the elderly,
- a group home that serve persons with disabilities and have less than 16 residents (See Question 9),
- a shelter for homeless individuals or families and shelters for victims of domestic violence (See Question 40),
- a teen parent living program (See Question 9), or
- a drug or alcohol treatment center (public or nonprofit). The center will require you to make them an authorized representative during your stay. (See Question 9).

Advocacy Reminders:

- If you are sentenced by a court to “home detention” (for example, you wear an electronic or prison bracelet at home), you are not considered to be living in an institution and should be SNAP eligible.

- If you move from a live in drug/alcohol treatment center or teen living program, you should receive your SNAP benefits directly once you move into a permanent residence. The residential program should immediately report the change of address to
DTA to ensure your SNAP benefits continue if you are still SNAP eligible.

**Additional DTA Guidance:**
- Battered woman who moves to *DV shelter* can receive own SNAP benefits, even if still on SNAP grant of abuser. Transitions Hotline Q&A (July, 2000)
- Social Security or other income received for a *child in an institution* is not countable to rest of household. Transitions Hotline Q&A (June 2000).

### 42 What if I am a boarder or I live in someone else’s home?

If you rent a room in someone else’s home and *do not get or pay for meals*, you are considered to be “a roomer.” As a roomer, you can apply for SNAP as a separate household, so long as you purchase and prepare the majority of your meals separately from the other people in the house. 106 C.M.R.§361.230(A). See Question 35.

If you live in someone else’s home and you pay that person for a room and at least half your weekly meals, you are considered to be a “boarder.” You are not eligible for SNAP benefits as a separate household. 106 C.M.R.§361.240 (D).

If the household where you board is getting SNAP, DTA will either include or exclude you and your income in their SNAP benefits based on how much you pay for food. If excluded, DTA will then count what you pay for room and board (after certain deductions) as income to the host household.

If you do not pay a “reasonable amount” for meals, you must be included in the SNAP household of the household providing meals. That means your income will be counted in figuring the eligibility of the whole household. 106 C.M.R.§361.240(D). A “reasonable amount” is an amount that equals or exceeds the SNAP benefit level for your household size (for ex, $194/month for 1 person getting three meals/day). 106 C.M.R.§361.240(D).

**Example:** Janet and Joe are both age 25 and married. They move into Janet’s mother’s house, Francis - who receives SNAP benefits. Francis does all of the food shopping and makes all of the meals for Janet and Joe. Janet and Joe pay Francis $300/month for food and $400/month rent. They are considered “boarders” in Francis’s home. Because $300 is less for food than the maximum SNAP
benefit amount for a household of 2, Janet and Joe must be part of Francis’ SNAP household and their income counts. If Janet and Joe started purchasing and preparing their food separately, instead of giving Francis money for food, they would not be required to be in Francis’ SNAP household. They might qualify for their own SNAP benefits, depending on their income.

If you are elderly or disabled and live with others who provide meals for you, see Question 37.

43 What if I am caring for a foster child?

In general, children under age 18 and under the supervision of an adult must be part of the adult’s SNAP household. However, if you have taken in a foster child, you can chose to include or exclude the child from your SNAP household benefits. 106 C.M.R.§361.240(F).

If you exclude your foster child from the SNAP case, the foster care payments and any other income you receive directly for the care of the child, such as child support or SSI, will not count as income to your SNAP household. For that reason, it is usually better to exclude the foster child to maximize the SNAP benefits for the rest of the household. However, the foster child cannot get SNAP benefits as a separate SNAP household.

Example: Sam and Susan Smith have two minor children of their own. They also care for a 10 year old foster child, Jimmy, and receive $600 per month in foster payments. The Smiths can apply for SNAP for themselves and their two children (a family of four), excluding Jimmy in the SNAP household and excluding the foster care payments. Alternatively, the Smiths can apply for SNAP for a family of five (2 adults, 3 children including Jimmy). In that case, their income plus the foster care payments will be used in the SNAP calculation.

Advocacy Reminders:

✓ A SNAP household can ask DTA to remove a foster child (and foster care payments) from the SNAP household at any time.

✓ For MLRI’s Know Your Rights flier go to: Masslegalservices.org/content/foster-care-families-and-snap

DTA Online Guide Sections: SNAP > Eligibility Requirements > Household Composition > Household Composition
What if I am providing adult foster care?

Adult Foster Care (AFC) is a special MassHealth program for frail elders and adults with disabilities who cannot live alone. MassHealth pays qualified AFC caregivers to provide in-home care to elder and disabled MassHealth recipients who would otherwise be in a long-term care facility. Sometimes, AFC caregivers may still be low income and qualify for SNAP benefits.

If you are responsible to care for a disabled adult under the Adult Foster Care program, you have the choice to include or exclude the adult fostered person from your SNAP household – even if he or she shares all meals with your family. 106 C.M.R.§ 361.240(F).

If the fostered adult is not included as a SNAP household member, none of the AFC payments paid to the caregiver or the income of the disabled adult counts for your SNAP benefits. In addition, none of the income of the disabled adult is counted (such as SSI or Social Security). In most cases, caregivers qualify for higher SNAP benefits. However, if excluded, an AFC adult cannot get SNAP benefits as a separate SNAP household.

**Example:** Frank and Emma Wilson are married and provide adult foster care for Emma’s mother, 88 year old Margaret (who lives with them). Emma takes care of Margaret daily, including all her meals. Frank works part time earning $1,800/month. He helps Emma on weekends. The AFC Program pays the Wilsons $1,500 a month. Margaret also receives $800 in Social Security. Under the SNAP rules, Frank and Emma can apply for SNAP benefits as a 2 person household, excluding Margaret, her Social Security, and the AFC stipend from their SNAP household. Only the $1,800 income earned by Frank is countable income. This is true even though the 3 of them purchase and prepare the household food together.

Some caregivers receive an additional payment for room and board when the fostered adult is living in the home of the caregiver. If the fostered adult is excluded from the SNAP household, DTA may still consider payments made to the caregiver for room and board to be countable income for SNAP.

**Advocacy Reminders:**

✓ A SNAP household can request that DTA remove an Adult Foster Care adult from the SNAP household at any time. If you
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discover a family getting lower SNAP because a fostered adult is in the household, call DTA and ask to remove the fostered adult.

✔ If the fostered adult is a disabled adult child age 18-22 and is living with his or her parent who provides AFC care, the family cannot exclude the fostered adult because of the SNAP household composition rules. See Question 36.

For MLRI’s Know Your Rights flier go to:
Masslegalservices.org/content/adult-foster-care-and-snap

DTA Online Guide Sections: SNAP > Eligibility Requirements > Elderly/Disabled > Adult Foster Care

45 What if I am a college student?

Special SNAP eligibility rules apply to college students between the ages of 18 and 49 who are enrolled half-time or more in a course of study that requires a high school diploma (HiSET) or GED. Half-time is typically two courses or 6 to 11 credits. Full-time is typically 12 credits or more.

To be SNAP eligible, you must meet at least one of the following criteria:

■ you are attending a community college and pursuing an associate’s degree or certificate program that is in a career or technical education field or the college agrees will increase your employability,

■ you receive a MASSGrant from the Mass Department of Higher Education,

■ you have a federal work-study grant and you are doing a work-study job or you anticipate having a work study job at some point during school term,

■ you are working for pay an average of 20 hours a week or more (an average of 80 hours/month),

■ you are going to college as part of a DTA-approved SNAP education or training activity or another government-sponsored education and training program,
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- you are enrolled in a college program that does not require a HiSet or GED – such as Adult Basic Ed, English as a second language (ESL) or a certificate program that does not require a HiSET or GED,

- you care for a child living with you who is under age 6, or you care for a child living with you under age 12 and you do not have enough child care coverage to attend school and work 20 hours/participate in work study,

- you are a single parent, you are a full time student and you care for a child under age 12,

- you receive TAFDC cash benefit,

- you are disabled and receive disability-based benefits such as Social Security or SSI, EAEDC, Veterans or MassHealth as disabled,

- you are “physically or mentally unfit for employment”- meaning a health care provider verifies that you have a condition which reduces your ability to support yourself, or

- you are placed in a post-secondary program through the Mass Rehabilitation Commission or a mental health or substance abuse rehabilitation program (typically based on disability).

College student rules, see 106 C.M.R. §§362.400 through 362.420

<table>
<thead>
<tr>
<th>Examples of eligible college students</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jane is a single parent and a full-time college student with one child, age 10. Jane qualifies for SNAP as a college student because she is a full-time student and single parent with a child under age 12.</td>
</tr>
<tr>
<td>George is a full-time college with an on-campus Work-Study job 5-10 hours a week. George meets the SNAP rules for college students because he is doing Work-Study.</td>
</tr>
<tr>
<td>Suzy is majoring in accounting at Bunker Hill Community College. Because she attends a community college and is enrolled in a program that will lead to employment, Suzy meets the student rules.</td>
</tr>
<tr>
<td>Betsy is a full-time student at UMass Boston. She has been unable to find work while going to school. Betsy’s family is low-income and she receives MASSGrant financial aid from the Mass Department of Higher Education. Betsy meets the student rules.</td>
</tr>
</tbody>
</table>
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Note: If you are attending college less than half-time (for example, one class per semester), you do not need to meet the student rules to get SNAP benefits. 106 C.M.R.§362.400(A). However, if you are exempt, you may be subject to the ABAWD time limits. See Question 60 and 61.

Community College students

DTA has special rules that allow many MA low-income community college students to qualify for SNAP if they are enrolled in either:

- An associate’s degree or certificate program that the college considers a “career or technical education program,” as defined under the federal Carl D. Perkins Act (most community college certificate and associates degrees fit this definition), or
- A course of study that the college has determined will make the student more employable. 106 C.M.R. §362.410(F)(3).

DTA will send you a Community College Verification form to get signed that verifies you are an eligible student. See example in Appendix C.

Students on summer break/vacation

You are still SNAP eligible while on summer or vacation break as long as you are enrolled for the upcoming term. You are no longer considered “continuously enrolled” once you graduate, are suspended, expelled, drop out, or you are planning to enroll in college in the coming months but the term has not started yet. See language in the SNAP rules re being “continuously enrolled.” 106 C.M.R. §362.420.

Living with spouse or parents

If you live with your parents and you are under age 22, you must be part of their SNAP household, even if you purchase and prepare your own food separately. If you are married and live with your spouse, you must be part of their SNAP household. See Question 36.

Students with meal plans

If you live on campus and get most (more than 2/3) of your meals through your meal plan, you do not qualify for SNAP. However, you may be eligible for SNAP when you are home during summer break if your family also gets SNAP, assuming you meet the other student status rules.
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How SNAP treats financial aid and loans

There are specific SNAP rules on how educational income is counted for eligible college students:

- Federal loans, grants and work-study are non-countable income for SNAP. 106 C.M.R. §363.230(D). This includes:
  - Pell Grants
  - FSEOG
  - Federal work study
  - Perkins Loans
  - Other student financial aid from programs administered under Title IV of the federal Higher Education Act.
  - VA benefits used for educational expenses.

- State and private grants and loans currently count as income for SNAP if the financial aid is available and designated to meet your basic living expenses (defined as room and board). 106 C.M.R. §363.230(D)(4). State and private financial aid does NOT count as income if designated to meet your educational expenses (tuition, fees, supplies, etc.).

- If you have state or private loans or grants designated for basic living expenses, DTA will average the amount of countable income over the course of the academic year or semester, even if you received the money in a lump sum. 106 C.M.R. §364.340(A)(2).

For more information on the income counting rules and what is countable or non-countable, see Question 69 and 71.

DTA will send you a form, called an “Educational Income and Expense Form” (EDUC-1). See Appendix C. The EDUC-1 needs to be filled out by the financial aid office. The purpose of the form is to determine if any state or private financial aid is available for your basic living expenses (room and board).

If none of your non-federal financial aid is used for basic living expenses, the financial aid office should check NO on the form.
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Advocacy Reminders:

✓ If you are an ineligible college student and have income, none of your income should be counted against the eligible SNAP household members you live with. 106 C.M.R.§361.230(B)(C)

✓ Advocates have urged DTA to amend its SNAP policy to treat state/private financial aid the same as federal financial aid and not count it. If you see students whose state financial aid is counted toward their SNAP or TAFC cases, please contact MLRI.

✓ For more information, including an MLRI Know Your Rights fliers for Community College and 4 year school students, go to: Masslegalservices.org/Food4Students

DTA Online Guide Sections: SNAP > Eligibility Requirements > Students > Students

46 What if I have a criminal record or DTA says I’m a “fleeing felon” or violating my probation?

A criminal record, including a drug felony conviction, does not bar you from receiving SNAP benefits in Massachusetts. However, you can be barred from SNAP benefits if you:

■ are “actively fleeing” prosecution or punishment for a felony, or
■ violate a condition of probation or parole.

See 106 C.M.R. § 367.800(D).

Fleeing felons

In order to bar you from SNAP as a fleeing felon, a law enforcement official must tell DTA of its intent to arrest you (within 20 or 30 days), and present to DTA an outstanding felony arrest warrant for any of the following National Crime Information Center Uniform Offense Classification Codes:

■ Escape (4901)
■ Flight to avoid (4902), or
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- Flight-escape (4999)
  See 7 C.F.R.§273.11(n)(1)(ii) and (3)(i),(iii).

**Parole/probation violators**

To be considered violating probation or parole, law enforcement must be activity seeking to arrest you (within 20 or 30 days) to enforce the conditions of the probation or parole. 7 C.F.R.§273.11(n)(1)(ii) and (3)(i),(iii).

**Other rules involving fleeing felons or parole/probation violators:**

DTA has to follow SNAP application timeliness standards.

- If it takes more than 30 days for DTA to verify this, DTA must process your application without taking into consideration fleeing felon or probation/parole violation status.

- If you are barred from SNAP benefits under these rules and you have income, all of your income counts against other members of your SNAP household. See Question 78.

- If law enforcement has arrested you and placed you in custody, you are not SNAP eligible. If you are released to a halfway house and get more than half your meals from the halfway house, you are not SNAP eligible.

- If you are sentenced to home confinement or home detention (for example, you have an electronic bracelet), you should not be denied SNAP because you are not still incarcerated. See Question 41.

You can always ask to speak to a Supervisor, call the Ombuds Office or file an appeal if you are denied benefits because DTA determined you are a fleeing felon or violating your probation or parole. You can also contact Legal Services.

**DTA Online Guide:** SNAP > Disqualifications/Sanctions > Intentional Program Violation > [SNAP Disqualifications and Sanctions](#)
Who is considered a United States citizen?

You are a United States citizen if you were born anywhere in the United States or its territories, including Puerto Rico, Guam and the U.S. Virgin Islands. And if you were born in another country and then naturalized, you are also a U.S. citizen. 106 C.M.R. §362.200.

If you were born abroad and at least one of your biological parents was a U.S. born citizen at the time of your birth and lived in the U.S. at any time prior to your birth – you may have “derived citizenship.” If both your parents naturalized to U.S. citizenship before you turned age 18, you may also have derived citizenship. See 106 C.M.R. §362.210. Check with an immigration specialist if you think these rules apply to you.

Under the SNAP program, you are not required to verify U.S. citizenship. 106 C.M.R. §362.210. The federal and state SNAP rules allow you to self-declare your U.S. citizenship, unless the information you provide is considered “questionable.” See Question 13.

Advocacy Reminders:

✓ It may be helpful to ask individuals born abroad if either parent was a U.S. citizen or if the parents naturalized before the individual turned age 18. Some clients may not know they have a right to claim “derived” citizenship and should be referred to an immigration or naturalization specialist.

DTA Online Guide Sections:
- SNAP > Eligibility Requirements > Citizenship > Citizenship Overview
- Home > Cross Programs > SAVE

Additional Guidance:
- DTA guidance on handling cases for individuals with “voided” Puerto Rican birth certificates. F.O. Memo 2010-49 (Nov. 1, 2010)
- U.S. citizenship of children should not be considered questionable solely because parents are immigrants. Transitions Hotline Q&A (March 2006)
Am I eligible if I am a legal immigrant?

The SNAP eligibility rules for immigrants and refugees are very complicated. The SNAP eligibility rules affecting immigrants are different from cash assistance and MassHealth rules. See the chart in Appendix D.

If you fall into one of the three groups below, you may qualify for SNAP. See 106 C.M.R. §§362.220-362.240.

**GROUP 1: Refugees, asylees and others who have fled persecution**

You qualify under the SNAP eligibility requirements if you are:

- A person who entered the U.S. as a *refugee*,
- A person granted *asylum* after entering the U.S.,
- A person granted *withholding of deportation* or removal,
- A *Cuban/Haitian entrant*—defined as a national of Cuba or Haiti who has legal status, a pending application for asylum or an application for certain other statuses,
- A *Vietnamese Amerasian* immigrant (e.g., the offspring of a U.S. citizen conceived during the Vietnam war),
- A *victim of trafficking in persons*—such as slavery or sex trafficking—who has applied for status under a special process with the Department of Health and Human Services, or
- *Nationals of Iraq or Afghanistan* granted a “Special Immigrant Visa” (SIV) designation. SIV holders are lawful permanent residents, many of whom worked on behalf of the U.S. government in Iraq or Afghanistan.

If your immigration status falls under one of the above, there is NO five-year waiting period. There is also no 5-year waiting period if you got your green card (LPR status) after you had one of these refugee-type statuses.
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GROUP 2: Lawful permanent residents (“green card” holders), parolees and battered immigrants

You may qualify under the SNAP rules if you are:

- A lawful permanent resident (LPR), often called a “green card holder,"
- Granted parolee status for one year or longer, a status generally based on humanitarian or public interest reasons, or
- A battered immigrant who meet the requirements in Question 51.

There is a five year waiting period to qualify for SNAP for some immigrant adults above. But, there is NO five year wait if you are:

- An immigrant child under age 18,
- You are blind or have a severe disability and you are receiving a state or federal disability benefit. See Question 39, or
- You have 40 qualifying quarters of work history. See Question 49.

GROUP 3: Immigrants with other special statuses

You meet the SNAP eligibility requirements, without the 5-year waiting period, if you:

- are a Native American born in Canada or Mexico (Native Americans born in the U.S. are already U.S. citizens),
- were a Hmong or Highland Laotian tribe member during the Vietnam war or are the spouse, surviving spouse or unmarried dependent child of a tribe member, or
- are a veteran of the U.S. military, an active duty service member, or the spouse, widow or dependent of a veteran or active duty service member lawfully residing in the U.S. (even if not an LPR). See 106 C.M.R. § 362.240(A) for a list of immigrants considered to be lawfully residing in the U.S.
Part 2 ▪ General Eligibility Rules

Immigrants who are not SNAP eligible

Unless you fall within one of the above three groups, you are not eligible for SNAP for yourself. See 106 C.M.R. §362.220(D)-(G). You may still file an application for U.S. citizen or qualified immigrant dependents who meet the SNAP eligibility rules. Your income will count in determining their benefits, but you will not receive any benefits for yourself.

Examples of ineligible immigrants include:

- Immigrant adults with LPR or parole status with less than 5 years in qualified status who are neither disabled nor have 40 quarters of countable work history. See Question 48.

- Immigrants lawfully present or have work authorization under other provisions of federal immigration law but are not “qualified” immigrants. This may include applicants for asylum, applicants for adjustment (a relative or employer petition), immigrants granted Temporary Protected Status (TPS), or other statuses.

- An immigrant who is out-of-status or is undocumented, or

- An immigrant with a “non-immigrant visa” such as a college student, visitor/tourist, diplomat or business visa.

See Question 52 for how ineligible immigrant parents can apply for eligible children, and Question 54 for a description of how income of ineligible immigrants is counted to the rest of the household.

Advocacy Reminders:

- For copies of U.S. Immigration and Citizenship Service-issued documents and a key to the USCIS immigration codes, see materials produced by National Immigration Law Center available at NILC.org/issues/economic-support/updatepage/

- If DTA sent a request to USCIS for verification of your status, DTA should issue you for SNAP pending the results for up to 6 months (if you meet the other eligibility rules). 7 C.F.R. § 273.2(f)(1)(ii)(B)(3) and 106 C.M.R. § 362.220(C).

- USCIS has a special process to correct wrong or incomplete information in SAVE. See USCIS.gov/save. You can also check your status here: USCIS.gov/save/casecheck However, you should work with an immigration specialist if you need to correct the information USCIS has in SAVE.
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✓ Double check if DTA says you must wait 5 years for benefits. The 5-year waiting period does not apply to: LPR children, disabled LPR adults or LPRs with sufficient work history. The 5-year wait also does not apply to LPRs who originally entered as refugees, asylees, etc. For battered immigrants, the waiting period starts from when the VAWA or a relative petition was filed and not when granted LPR status.

DTA Online Guide:
- SNAP > Eligibility Requirements > Noncitizen > Noncitizen Introduction; > Legal Permanent Residents > Legal Permanent Resident Overview
- SNAP > Eligibility Requirements > Noncitizen > Systematic Alien Verification for Entitlements (SAVE)

Additional Guidance:
- Disabled LPRs receiving EAEDC not subject to 5 year bar if disability meets disability severity of SSI as determined by UMass Disability Evaluation Service (DES). Elderly LPRs (age 65+) not subject to 5 year bar if receiving EAEDC and can provide statement from MD re disability, no need for UMass DES review.
- DTA Hotline (December 2009 and October 2014)
- Detailed guidance on Cuban and Haitian nationals who qualify as Cuban/Haitian entrants and how to verify eligibility. F.O. Memo 2007-52 (Sept. 28, 2007) See also Transitions Hotline Q&A (Nov. 2011) re parolee from Cuba or Haiti may qualify without 5 year wait.
- Expired document does not mean immigrant’s legal status has expired; worker should presume immigrant may still have current legal status and do SAVE check. Transitions FYI (Oct. 2007)
- Start date of 5-year waiting period begins with date immigrant granted humanitarian parole (or other qualified status) and not LPR status. Transitions Hotline Q&A, (Oct. 2011, and Q&A of May 2006)
49 How does my work history help so I don’t wait five years for SNAP?

LPRs with 40 qualifying quarters (10 years) of work history can often qualify for SNAP without the five year waiting period. 106 C.M.R. § 362.220(B)(7)(f) and (g). Establishing work history may also qualify you for TAFDC benefits, certain MassHealth benefits, or federal Supplemental Security Income (SSI) benefits if you are severely disabled or age 65 or older.

You can get work quarters credit for the following:

- **Work you did in the United States or a U.S territory.**

- **Work in any of 25 foreign countries where the U.S. recognizes work,** including Europe, Australia, Chile, France, Japan, and South Korea, after certain dates (for example, work done in Ireland after Sept 1993). See the DTA Online Guide page on LPRs Verifying Work History for full list of allowable countries and dates.

- **Work done by your spouse while married,** including work done by a common law spouse even if you were not legally “married”, after separation but before divorce (you lose your spouse’s quarters upon divorce), and/or in the US and 25 foreign countries.

- **Work done by your parents before you were 18.** This includes work done by your parents before you were conceived, born, or adopted – including work done in the US and 25 approved foreign countries.

You can get credit for past work history even if you did not earn a lot. For example, you will get credit for 4 quarters if you earned at least $4,800 or more in gross annual earnings in calendar year 2014. And you will get credit for 4 quarters if you earned at least $980 gross earnings in 2005. You can have worked in just one month or quarter and still get the full 4 quarters of countable work. See DTA’s Online Guide page on LPRs Verifying Work History for the minimum earnings needed for 4 quarters of work.

**Note:** Check with an advocate before claiming credit for work done in the U.S. when the wage earner did not have work authorization or a valid Social Security Number.
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Restrictions on getting credit for work history

Under the federal rules, the LPR adult or child cannot claim credit for work done after December 31, 1996, if the wage earner also received one of the following federal means-tested benefits while working: TAFDC, SNAP, Medicaid or MassHealth, or SCHIP (health benefits for children).

If the wage earner was a grantee for an eligible child or spouse, but did not receive any benefits for him or herself, the wage earner does not lose the right to claim the countable work quarters.

Example 1: Clara has been a lawful permanent resident for 3 years. She recently lost her job in a factory. Her husband Jose has been here for 8 years. They both have been working consistently, and paying taxes since they arrived in the U.S. Clara has 12 quarters of work (3 years with 4 quarters in each year). Jose has 32 quarters of work (8 years with 4 quarters in each year). The couple never received SNAP, Medicaid or any other federal means-tested benefits. Clara can count her 12 quarters and her husband’s 32 quarters of work for a total of 42 work quarters. Clara can apply for SNAP, she is not required to wait 5 years.

Example 2: Siobhan is from Ireland. She is age 31 and got her LPR status a few years ago. Her mother and father both lived and worked (and paid taxes) in the U.S. for 21 years, including for 8 years when Siobhan turned age 10 while she was staying with her grandmother in Ireland. Siobhan has been working as a home health aide but her income is inconsistent so she applies for SNAP. Siobhan can count her own work history for SNAP, but also her parent’s work history when she was a minor. Even though she is 30 and got her LPR status less than 5 years ago, she can likely qualify for SNAP through the combination of her current work history and her parent’s work history when she was a minor.

Proving 40 quarters of work history

Work history can be confirmed through pay stubs, employer statement, union records, W-2, federal or state tax returns, SSA records, proof of self-employment earnings and business expenses, records of employment in other states, or from foreign countries where work history is accepted.

DTA can also get information about work history through the SSA Quarters of Coverage History System (QCHS). QCHS records do not include work quarters of a spouse or parent that is not a DTA client. DTA can also request from SSA the work records of a spouse or parent if you are able to provide enough information to identify that person. If you think
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your spouse (or parent before you turned 18) may have work history. be sure to tell DTA so they can inquire about this person’s work history as well. DTA should send the Social Security Administration a “Request for Quarters of Coverage History Based on Relationship” (SSA-513 Form).

DTA should issue you SNAP benefits for up to 6 months if you need time to verify work history or while DTA is waiting on a response from SSA. 106 C.M.R. § 362.220(B).

Advocacy Reminder:

✓ Only LPRs with countable work history are exempt from the 5 year bar. Immigrants with humanitarian parole or battered immigrants cannot claim work history, unless granted LPR status.

✓ You can correct your earnings record with Social Security in some situations if the earnings report is not accurate. Contact an advocate for more information about work history.

DTA Online Guide:

- SNAP > Eligibility Requirements > Noncitizen > Noncitizen Introduction
- Legal Permanent Residents > Legal Permanent Resident Overview
- SNAP > Eligibility Requirements > Noncitizen > Verifying 40 Quarters

Additional Guidance:

- Receipt of Social Security survivor’s benefits as a surviving spouse is sufficient proof of work quarters for SNAP purposes. Transitions, Quality Corner (July 2002)
- No overpayment of SNAP benefits paid for 6 months while LPR pending verification of work quarters, even if LPR work history is ultimately not verified. Transitions FYI (June 2006)
If I am a disabled immigrant, do I need to wait five years for SNAP?

You do not need to wait five years if you are a lawful permanent resident adult and you receive a disability-based benefit because of a severe disability. 106 C.M.R. §362.220 (B)(7)(e). This policy also applies to battered immigrants and humanitarian parolees.

Question 39 explains the disability rules for SNAP. If you receive TAFDC, MassHealth or EAEDC based on a disability, you may be eligible without the five-year wait. If you are under age 18, there is no 5-year wait.

If you are age 65 or older and you receive EAEDC cash assistance, DTA will let you prove disability with a signed one-page statement from your doctor, nurse practitioner, physician assistant, or psychologist. The disability needs to meet the SSI severity levels that apply to seniors (which do take advanced age into account for SSI purposes).

If you are an elder or disabled LPR but are not receiving EAEDC cash assistance, contact an advocate. Some elder or disabled LPRs may not qualify for EAEDC for financial reasons (e.g., spousal income or assets above the low EAEDC limits, or they do not want/need EAEDC benefits.)

DTA Online Guide: SNAP > Eligibility Requirements > Elderly/Disabled > Processing a Claim of Disability to Qualify for the Special Regulations for SNAP and SNAP > Eligibility Requirements > Legal Permanent Residents > Disabled Noncitizen > Disabled Noncitizen

Additional Guidance:
● Five year bar does not apply to a LPRs, battered immigrants and parolees who meet multiple exceptions including disabled immigrants who are approved for EAEDC, depending on disability severity. Transitions Hotline Q&A, October 2014.
● Guidance to DTA workers on identifying both elderly and disabled EAEDC immigrants who may be eligible for SNAP without the 5-year waiting period, includes Disability Verification Form for Elderly Non-Citizens. F.O. Memo 2008-11 (March 11, 2008) and F.O. Memo 2008-28 (May 29, 2008)
51 What are the special immigrant rules for battered immigrants?

Immigrants abused by a spouse or parent (and the children or parents of abused immigrants) may be eligible for benefits even if their immigration status is pending. 106 C.M.R. §362.220(B)(8).

You may be eligible if you are no longer living with your abuser and you meet one of the following:

- Your spouse or parent is a U.S. citizen or LPR and filed a relative petition (usually called a USCIS Form I-130) to get you LPR status.
- You have a pending or approved self-petition for legal status as a victim of domestic violence. This is called a VAWA petition (“Violence Against Women Act”) or USCIS Form I-360.
- You have an approved or pending application for “cancellation of removal” or suspension of deportation filed as a victim of domestic violence.
- You are the dependent child of a battered immigrant who has filed or been approved for one of the above, even if you are not listed on the petition.

Five-year waiting period for battered immigrant adults

If you are a battered immigrant adult, there is unfortunately the same 5-year waiting period that applies to LPRs and humanitarian parolees. 106 C.M.R. §362.220(B)(8). But this 5-year rule does not apply to your minor children or if you are disabled (receive a disability-based benefit). 106 C.M.R. §362.220(B)(8)(e).

If you are a battered immigrant with a relative visa petition (Form I-130), the 5-year period starts the date the petition was filed (or the date that you entered the U.S. after it was filed if later).

If you are a battered immigrant who self-petitioned under VAWA, the start date for the 5-year period is the date that a “prima facie” determination was made by immigration officials for the VAWA petition (Form I-360) and not the date the final VAWA status was granted.
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Children of battered immigrants

There is no 5-year waiting period for *immigrant children* who are LPRs, have humanitarian parole status or are dependents of battered immigrants. 106 C.M.R. §362.220(B)(8)(e)(3).

**Advocacy Reminders:**

- Each DTA office has designated Domestic Violence specialists as well as protocol for handling communication with individuals who self-identify as DV victims. You can request to speak with a DV Specialist on the DTA Assistance Line during DTA business hours. Go to Masslegalservices.org/DTAContacts for a list of DV Specialists.

- Battered immigrants who suffer from physical or emotional abuse and qualify for a disability-based benefit (such as EAEDC) are not subject to the 5-year wait.

- Some battered immigrants may have fled their abuser without documents. If so, DTA should accept a self-declaration from the battered immigrants as proof of filing for legal status while working with the immigrant to verify status. DTA should issue SNAP for up to 6 months if they or the immigrant have asked USCIS for verification of legal status and the request is pending. 106 CMR §362.220(C).

- If you filed a self-petition under VAWA, it is possible your minor children will not be listed on the notices from the Department of Homeland Security. Most immigrant children have legal protections under the special rules for battered immigrants based on “derived status.” See an immigration specialist if questions or concerns.

**DTA Online Guide Sections:** SNAP > Eligibility Requirements > Noncitizen > Battered Noncitizen and Home > Domestic Violence > Domestic Violence Specialists

**Additional Guidance:**

- Extensive DTA guidance on the eligibility of battered immigrants, including scope INS coding, acceptable documents, eligibility of other household members, verification if documents missing, etc. F.O. Memo 2005-22 (June 1, 2005)
- Immigrants are not required to self-petition under VAWA to be battered immigrant for benefits. Transitions Hotline Q&A (June 2007)
Can my children get benefits if I am an ineligible immigrant?

You have the right to apply for eligible household members including U.S. citizen children and spouses. If you or other household members do not have legal status or do not wish to receive SNAP, you can exclude yourself from the SNAP application.

As part of the SNAP application, DTA will ask about all household members who “purchase and prepare” food together. Even though part of the “household,” non-citizens can designate the household members not applying for SNAP benefits. You are not required to give proof of your immigration status if you are not applying to get SNAP for yourself. 106 C.M.R.§362.220. However, if you are the parent of a child or spouse, you must give DTA information about your income and expenses. DTA will count your income in calculating the SNAP benefits for dependents.

Advocacy Reminders:

- DTA should only ask for proof of the U.S. citizenship of your children or other eligible household members if their status is “questionable.” 106 C.M.R.§362.210. Being a U.S. born child to immigrant parents is not questionable.

- DTA’s SNAP applications are clear that noncitizens who are not applying for SNAP do not need to provide their Social Security Number or citizenship status.

- See Appendix D for DTA’s Brochure, “What Non-citizens Need to Know.”

DTA Online Guide Sections: SNAP > Eligibility Requirements > Noncitizen > Battered Noncitizen

Additional Guidance:
- Extensive DTA guidance on the right of non-citizens to opt out of SNAP application, not provide information on immigrant status and apply for just the eligible family members seeking assistance. Guidance includes opt-out form, client brochure and resource list of agencies. F.O. Memo 2004-34 (Sept. 24, 2004)
53 Will getting SNAP benefits hurt my immigration status?

The “public charge” test has been part of federal immigration law for decades. It is designed to identify people who may depend on government benefits as their main source of support. If the government determines someone is likely to become a “public charge,” the government can deny admission to the U.S. or refuse an application for lawful permanent residency (Green Card).

In August 2019, the Trump Administration announced a rule that would change longstanding public charge policy. The rule would redefine “public charge” to include not only immigrants who receive cash benefits or need long-term care, but also people with disabilities, those deemed to have limited earning potential, and participants in many “safety net” programs used by millions of working Americans. It would make it much easier to shut out anyone earning less than 250% of the federal poverty line ($64,375 for a family of four). The rule is not retroactive. This means that the new changes will not be used by immigration officials until after the rule goes into effect. Further, multiple lawsuits have been filed to stop the rule.

However, as this Guide goes to print, the status of this rule change is not certain. The Supreme Court voted on January 27, 2020 to allow the Administration to move ahead with the rule change while the lawsuits make their way through the courts.

We encourage you to consult the below resources and learn the facts before you stop any important benefits – like SNAP - that help you and your family stay healthy.

- Some immigrants are not subject to the public charge determination- such as refugees, asylees, or green card holders (LPRs) seeking US Citizenship.

- People should assess their individual situation in deciding whether to enroll in a public benefit program.

- There may be no advantage to disenrolling from a program at this time.

MLRI has a flier about SNAP and the impact of the public charge rule. Go to MassLegalServices.org/publiccharge for the most up to date version.
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State and privacy rules prohibit state workers from sharing information about you with immigration authorities, unless you give written permission. The information on your SNAP application is private. \(106\) C.M.R.\(\S\)360.400. See DTA Brochure, “What Non-Citizens Need to Know.” Appendix D.

To be sure you get accurate information, consult an immigrant specialist if you are applying for a “green card” or other legal status in the U.S.

For updates and information on public charge:

- National Immigration Law Center webpage: NILC.org/issues/economic-support/pubcharge/

- Protecting Immigrant Families materials: protectingimmigrantfamilies.org/
  - Including updated Know Your Rights materials in multiple languages: protectingimmigrantfamilies.org/know-your-rights/


- Mass Immigrant and Refugee Advocacy Coalition updates and FAQs: miracoalition.org/pif

DTA Online Guide Sections: SNAP > Eligibility Requirements > Noncitizen > Noncitizen Introduction

Additional Guidance:
- DTA policy confirming that DTA staff must not report any immigrant to USCIS unless the immigrant shows DTA a final order of deportation; reporting done through DTA Central. Transitions FYI, (Jan. 2004)
54 How does DTA count the income of an ineligible immigrant?

Some ineligible immigrants live with other people who are eligible for SNAP, such as an immigrant parent living with U.S. citizen children. There are two different calculations depending on the immigration status:

Households with legally-present but ineligible immigrants

If you are lawfully residing in the U.S. but are ineligible for benefits – or you choose not to be part of the SNAP household – the SNAP benefits for the family members you live with are calculated using a special calculation. 106 C.M.R §365.520(B)(2)

The SNAP regulations define a broad group of immigrants who are considered “lawfully residing.” See 106 C.M.R §362.240(A). This list includes immigrants with work authorization such as applicants for asylum, TPS or pending VAWA petitions, as well as LPRs subject to the 5-year bar.

DTA’s calculation for households with lawfully present but ineligible immigrants involves three steps whether the ineligible but lawfully present immigrant is excluded and included in the calculation to arrive at the correct benefit under 106 C.M.R §364.600(C).

This three step calculation is best explained through an example:

Example: Juana is an applicant for political asylum and was granted Employment Authorization. However, Juana is not eligible for SNAP until she is approved for asylum. Juana has two children who are both U.S. citizens. She currently earns $1,250/month gross income and pays $700 rent, plus heat and cooling costs. Her children have no income. Here’s how DTA calculates her benefits:

Step 1: DTA calculates the benefit amount the family would receive if the Juana was SNAP eligible.

DTA calculates the benefits for three people, including Juana and her two children. DTA counts all of Juana’s income and allows the income deductions (20% earnings disregard, $167 standard deduction and the max $569 shelter deduction). Juana has net income of $264 a month. The maximum benefit for a household of three is $509. After subtracting 30% of net income, the SNAP benefit is $430/month.
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- **Step 2:** DTA calculates SNAP for the eligible household members **excluding** the ineligible immigrant and his/her income. If the eligible children have countable income, their income is counted to determine their SNAP benefits.

  In Juana’s case, the children have no countable income. The benefit for 2 persons with no countable income is $355 a month.

- **Step 3:** The household is eligible for the SNAP amount that is **lower** between Step 1 and Step 2. The rationale is so that immigrant-headed households get no more SNAP than if all members were U.S. citizens.

  In Juana’s case, the benefit for the children is $355, the amount in Step 2, which is less than the $430 from Step 1.

### Households with “undetermined status” members

If you are *an undocumented or in an “undetermined” immigrant status*, the SNAP benefit calculation is harsh. DTA will count *all* your income toward the eligible members, *without* considering your needs. 106 C.M.R.§365.520(A). This calculation is identical the calculation for certain sanctioned household members. See Question 78.

**Example:** In the case of Juana, above, suppose she does **not** have any proof of legal status. Because Juana has “undetermined status,” DTA will count 100% of her income against a SNAP benefit level for the 2 children only. The children will receive only $276 in SNAP benefits.

<table>
<thead>
<tr>
<th>Countable net income after deductions:</th>
<th>$264</th>
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<tbody>
<tr>
<td>Maximum benefits for household of 2 children:</td>
<td>$355</td>
</tr>
<tr>
<td>Subtract 30% of countable net income:</td>
<td>$79</td>
</tr>
<tr>
<td>Benefit for this HH ($355 less 1/3 net income):</td>
<td>$276</td>
</tr>
</tbody>
</table>
55 Does the income of an immigrant’s sponsor count?

If you receive financial support directly from the sponsor to pay for living expenses, that money treated as countable unearned income in calculating your benefits. 106 C.M.R §363.220(B)(7).

Example: Johann is an LPR from Germany. Every month his sponsor sends him a $500 payment. DTA will calculate Johann’s SNAP benefits counting $500 of unearned income.

Sponsor’s income you do not receive does not count if you are “indigent” (very low-income) and you do not receive any payments from the sponsor. “Deeming” is a legal term that means counting income from a third party – such as a sponsor – that you do not actually receive but is assumed to be available.

DTA Online Guide Sections: SNAP > Eligibility Requirements > Noncitizen > Sponsor Deeming (deeming applies to sanctioned non-citizens)
Are there work rules for SNAP?

Any member of your family who is between ages 16 and 60 – and not exempt – must register for work during the SNAP application process. 106 C.M.R. §362.310. SNAP work registration rules are different from the ABAWD time limit and ABAWD work rules. See Question 60.

When you sign the SNAP application, you are also agreeing to register for work. This means that, unless you are exempt, you agree that:

- You will not quit a job unless you have a good reason (“good cause”). This applies to jobs that are 30 hours per week or more.
- If you are working 30 hours or more, you will not reduce your hours to less than 30 hours a week unless you have a good reason.
- If you are offered a job, you must accept it unless you have a good reason to refuse. See Question 59 on “good cause.”

Exemptions from work registration

Yes. The SNAP rules provide key exemptions from the SNAP “work registration” rules. 106 C.M.R.§362.310(B) The exemptions include if you:

- get TAFDC or EAEDC benefits
- are pregnant (in your third trimester or later)
- are physically or mentally unfit for employment
- earn more than $217.50 per week (fed minimum wage x 30)
- are a student enrolled in school at least half-time
- have applied for or get Unemployment Benefits
- care for a child under age 6 or a person with a disability (this person does not need to live with you)
- are in a substance abuse treatment program

These exemptions are most important if DTA thinks you voluntarily quit a job within the past 60 days, or if you are on strike. They are similar to but more limited than the ABAWD time limit exemptions.

DTA Online Guide Sections: Home > SNAP > Work Requirements > General SNAP Work Requirements > General SNAP Work Requirements and > General Work Requirements Exemptions and > General Work Requirements Good Cause Criteria
What happens if I recently quit a job?

DTA can deny your SNAP application—or cut your benefits off—if you had to meet the work registration rules (see Question 56) and you voluntarily quit a job without a good reason. 106 C.M.R §362.310(B)

The voluntary quit rule may apply to you if:

- you are subject to the work registration rules (see Question 56),
- you quit a job where you were working 30 or more hours a week,
- you did not have a good reason for quitting or reducing work hours, and
- you are applying for SNAP within 60 days of quitting, or you are a current SNAP recipient.

The voluntary quit penalties do not apply if you are exempt from the work registration rules or if you had a good reason to quit your job.

Quitting a job before applying for SNAP

If you are the head of household and you voluntarily quit a job within the 60 days before you applied for SNAP with no good reason, DTA’s SNAP rules say that your entire household cannot get SNAP benefits for three months. 106 C.M.R. §367.800. This sanction or punishment on the entire household is more severe than is allowed under the federal SNAP rules. Contact MLRI if your SNAP is denied due to voluntary quit.

The disqualification penalties increase the second and third times the applicant quits a job without good cause.

Example 1: Frank worked for McDonalds until September 30th when he quit over a personal dispute with a co-worker. He applied for SNAP for his family on October 15th. He is subject to the voluntary quit rules. Because he quit his job within 60 days of his SNAP application, DTA says the whole family is ineligible for three months. If he can show he had a good cause reason for quitting his job the family is eligible as of the date he applied (October 15th).
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Proof of termination from a job

In general, DTA should not ask for proof of termination or proof of earnings for jobs that ended before the cyclical month of your application. DTA should only ask for proof of termination going back further – to 60 days prior to the date of your application – if you are subject to the voluntary quit rules and they think you voluntarily quit a job.

Example 2: Frank quit over a personal dispute with a co-worker. He got his last paycheck on October 5. Frank is a single dad and cares for a 4 year old son. He applied for SNAP on October 15th. Frank is exempt from the work registration rules because he cares for a child under 6 and is not subject to the voluntary quit rules. Because the last digit of his SSN is 4, the start of his cyclical month is the 7th of the month. When he applies on October 15th, DTA should only ask about jobs and income going back to October 7. They should not ask for proof of termination from McDonald’s or for proof of the amount of his last paycheck.

Quitting a job while getting SNAP

If you voluntarily quit a job without good cause after the date you applied for SNAP benefits, you are ineligible for three months but the rest of your household is still eligible. 106 C.M.R §367.800(E)(2) & (F). Penalties increase for a second and third quit – to six months of ineligibility and twelve months, respectively. On the first quit, if you are the “head of household,” your whole household is ineligible for three months. On the second and third quit, if you are the head of household your whole household is ineligible for six months. DTA voluntary quit punishments may be more severe than is allowed under the federal SNAP rules. Contact MLRI if your SNAP is denied or stopped due to voluntary quit.

If you need help getting information from a past employer, you can give DTA permission to make a “collateral contact” with the employer directly. See Question 16 and Appendix C. 106 C.M.R.§361.640(B). Contact MLRI if you are asked to verify that a job ended if the job ended more than 60 days before you applied.

Advocacy Reminders:

✓ Current DTA rules about voluntary quit – particularly those where the entire household is sanctioned (made ineligible) -- may exceed federal law. If you are denied or terminated from SNAP because of voluntary quit contact MLRI.
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✔ DTA must inform you about your rights and responsibilities when you apply for benefits, 106 C.M.R. §361.550, including telling you which household members are subject to the work requirements as well as the penalties for voluntarily quitting a job after you apply for benefits and/or refusing to comply with the work requirements.

DTA Online Guide Sections:

- SNAP > Work Requirements > Voluntary Quit > SNAP Voluntary Quit.
- SNAP > Work Requirements > General SNAP Work Requirements Good Cause Criteria (Persons exempt from the work requirements are also not subject to the voluntary quit rule).

58 What are the rules if I am on strike?

If the reason you need SNAP benefits is because you are on a work strike, you cannot get SNAP unless you were income-eligible for SNAP before you went on strike. In other words, your union job paid low enough that your family would qualify for SNAP.

If you would have been SNAP-eligible before the strike, DTA will count either the value of your current income or your income before you went on strike to calculate the SNAP benefits for your household, whichever income amount is higher. 106 C.M.R §361.240(E)(2).

You are not considered on strike (being on strike is not relevant for your SNAP eligibility) if:

- your former boss locked you out or permanently replaced you, or
- you cannot work because other workers are on strike or because you are afraid to cross a picket line, or
- even though you are on strike, you were exempt from the SNAP work registration rules on the day before the strike. For example, you:
  - are age 60 or older
  - care for a child under 6 or a person with a disability (this person does not need to live with the striker)
  - are pregnant (third trimester)
  - are a student enrolled at least half-time

See Question 56 for more on work registration rule exemptions.
Part 2 • General Eligibility Rules

DTA Online Guide Sections:
- Cross Programs > Eligibility of Strikers > Eligibility of Strikers
- Work Requirements > General SNAP Work Requirements > General SNAP Work Requirements Exemptions
What is considered a “good cause” reason if I quit my job?

There may be many good reasons why you had to leave a job or reduce your job hours. “Good cause” for quitting a job or decreasing your work hours includes:

- You lack state-standard child care during the hours of your work, including when you lack special needs child care for a disabled child.

- You have a family crisis or emergency that you have to deal with during your work hours.

- The employer makes unreasonable work demands, such as not paying you on schedule.

- Employment becomes unsuitable because it is below the federal or state minimum wage; the work activity discriminates against you on the basis of sex, race, religion, ethnic origin, or physical or mental handicap; there is a strike or lockout; the employment places unreasonable risks on your health or safety; the hours interfere with your religious observances; you are required to travel more than two hours/day or, if walking, to walk more than two miles round-trip.

- If you were working more than 20 hours a week, and, for reasons beyond your control, your employment stops or your wages go down.

- If the amount you are paid in a week equals what you would be paid if you worked at least 20 hours and you were paid the federal minimum wage, and, for reasons beyond your control, the employment stops or wages decrease. The Federal Minimum Wage as of 2020 is $7.25 – meaning if you are paid $145 or more per week before taxes.

- You left employment because it was seasonal or migratory, or you are between temporary jobs.

- Acceptance of another job or enrollment in a school or training program requires you to move away or to leave your job.

- You are under age 60 and resigned from your job but your employer considers it retirement.
Part 2 ▪ General Eligibility Rules


You don’t have to show good cause for leaving a job if you are exempt from work registration rules. 106 C.M.R. §362.340.

Even if not exempt, you do not need to prove “good cause” if you left employment because the employer fired you or asked you to quit, if you reduced your hours of work but did not leave your work, if you stopped a self-employment business or if you quit a job for a new job that fell through. 106 C.M.R. §362.340(D).

If you need to show DTA good cause you need to verify the good cause. For example, give DTA a statement about the emergency situation with the name and phone number of someone who can confirm the information (a “collateral contact”).

Advocacy Reminders:

✔ Advocates have successfully challenged DTA SNAP denials for voluntary quit where employers engaged in inappropriate practices including if they: misled the worker about the wage rate, failed to honor a reasonable request about working conditions, failed to pay the legal overtime rate, failed to guarantee the work hours that were promised or pay promised health insurance, failed to reimburse for on-the-job travel. You can also challenge a voluntary quit denial where a household has a good cause reason for leaving employment, including where leaving a job involved domestic violence, family emergencies, lack of transportation or child care. Contact and advocate or MLRI if DTA denies your SNAP due to voluntary quit.

✔ Advocates may also find helpful arguments and case law on “voluntary quit” in MLRI’s 2019 Unemployment Advocacy Guide, https://www.masslegalservices.org/content/2019-unemployment-advocacy-guide

DTA Online Guide Sections:

• SNAP > Work Requirements > Voluntary Quit > SNAP Voluntary Quit.
• SNAP > Work Requirements > General SNAP Work Requirements > General SNAP Work Requirements Good Cause Criteria
60 What is the “ABAWD” 3-month time limit for childless adults age 18 to 50?

Many childless adults – ages 18 through 49 – can only receive three (3) months of SNAP in a 36 month period unless the individual is exempt or meeting certain work rules. This federal SNAP rule affects individuals determined to be “able-bodied adults without dependents” or ABAWDs. 106 C.M.R. §362.320. If you are ages 18-49, you may be exempt from this rule if you are disabled, homeless or meeting other rules. See Question 61.

If you are not exempt, you may only get 3 months of SNAP in a 3 year period– unless you are:

- **Working at least 20 hours a week on average.** This includes paid or unpaid work (“in-kind” work such as working for a landlord in exchange for rent).

- **Participating in a DTA approved training or education activity** for at least 20 hours a week on average. See more about the SNAP Path to Work in Question 65.

- **Doing a combination of training or education and job search activities** for 20 hours/week (but the job search cannot exceed 9.5 hours a week), or

- **Doing volunteer work, called “community service”** at an approved non-profit organization that agrees to track your volunteer hours. The number of hours you need to do community service is determined by the amount of your SNAP grant divided by the state’s minimum wage ($12.75/hour as of January 2020).

  **Example:** James receives the max $194/month SNAP. He needs to do 15 hours a month of volunteer or community service work. If his SNAP benefit was $110/month, he would need to do 8 hours of community service per month.

You need to verify community service hours with DTA each month. DTA maintains a list of community service sites. Call DTA’s Employment and Training line 1-888-483-0255. Or check out the through the SNAP Path to Work webpage. DTA also has a form they will mail you each month that the community service organization needs to sign.
Example: Samuel is age 45 and unemployed. He is physically able to work but has not been able to find a job since he was laid off and his unemployment ran out. Samuel applied for SNAP in January and will get 3 months of SNAP benefits. After March 31st, Samuel must meet the work or training rules above, or find a place to volunteer for 15 hours a week ($194/$12.75 hour) to keep his SNAP.

Finding a job or community service program

Unfortunately, under the federal SNAP rules, DTA has no obligation to find you a job or a community service site if you cannot find one. DTA also is not required to help you with transportation costs. DTA does have SNAP Employment and Training programs that they can refer you to. See Question 65.

DTA notices about the ABAWD work rule

DTA should send you notices telling you if you or other members of your SNAP household need to meet the ABAWD work rules. Each month you will receive a “strike” notice if DTA thinks you are not meeting the ABAWD work rules and you are not exempt. Before the end of the 3rd month, DTA will send you a SNAP termination notice.

Advocacy Reminders:

✓ The currently 36 month clock in Massachusetts is from January 1, 2018 until December 31, 2020. Because the clock re-started in 2018, ABAWDs who lost SNAP between April 2016 and December 2017 may be eligible for at least 3 more months of SNAP and should re-apply. On January 1, 2021 a new clock will start.

✓ For more resources and DTA forms, see MLRI’s webpage: Masslegalservices.org/ABAWD. As updates become available about ABAWDs we will post them.

DTA Online Guide Sections: SNAP > Work Requirements > ABAWD Work Program Requirement >
61 Who is exempt from the 3-month ABAWD time limit?

Exempt means you do not have to meet the work rules. You are EXEMPT if you meet any one of the following criteria:

- You are under age 18 or over 49 years old,
- You are disabled and receiving a disability-based benefit such as SSI, MassHealth as disabled, EAEDC cash assistance,
- You are physically or mentally “unfit for work” – either permanently or temporarily – based on a statement from a health care provider,
- You participate in a vocational rehabilitation program, a mental health program, or a drug or alcohol treatment program, or you are in a refugee training program,
- You are pregnant (any stage),
- You are homeless based on criteria as established by DTA,
- You live in the same household with a child under 18, even if not related to you,
- You are responsible for the care of an incapacitated person or a child under age 6, even you don’t live with them,
- You are receiving unemployment benefits or waiting for your unemployment claim to be approved,
- You work 30 hours per week or earn (at a job or through self-employment) at least $217.50 per week in gross (pre-tax) income ($217.50 is 30 times the current federal minimum wage of $7.25/hour) OR
- You are a student enrolled in a high-school, vocational or post-secondary educational program or college and meet the student rules. See Question 45 on which college students are considered eligible for SNAP. 106 C.M.R. §362.320 (B)
Areas of Massachusetts exempt from the 3 month rule

In addition to the exemptions listed above, low income residents of certain cities and towns with elevated rates of unemployment are also currently exempt from the time limit. As of January 2020, there are 83 Massachusetts cities and towns whose residents are exempt from the time limit based on elevated unemployment rates. These areas are mostly in Western MA, Cape and Islands, Merrimack Valley and Southeastern MA. See MassLegalServices.org/ABAWD for a list of exempt 2020 areas.

In December 2019 the Trump Administration finalized a rule change that would dramatically restrict when states can waive areas of the state due to elevated rates of unemployment. The changes in the federal rule may start in April of 2020 unless a federal court delays or prohibits implementation of the rule. As this Guide goes to print, litigation has been filed by the Massachusetts Attorney General’s Office and 14 other AGOs. Check MassLegalServices.org/ABAWD for up-to-date information.

Proving an ABAWD exemption to DTA

DTA should automatically know about some ABAWD exemptions. For example, DTA should know if you are under age 18 or age 50 or older, if you receive a disability benefit like SSI or EAEDC, or if you are in a SNAP household with children under age 18. There are other exemptions you may qualify for but need to tell DTA about.

Here’s some steps you can take to show DTA you are exempt:

1. *If you can’t work because you have a mental or physical impairment,* DTA has a one-page form you can bring to a medical provider. It can be signed by a wide range of medical providers, licensed social workers, counselors or directors of substance abuse or mental health programs.

2. *If you are homeless,* DTA has a one page homeless screening form. Fill this out if you do not have a stable night time residence or show that you meet other factors that make you exempt. You can also tell DTA this information over the phone. Call DTA and ask them to talk to you about the homeless screening for ABAWDs.

3. *If you are pregnant or are claiming another exemption,* DTA has a screening form that lists the exemptions and tells you what verifications to send in to show to DTA you are exempt.
Part 2 • General Eligibility Rules

Advocacy Reminders:

✔ For more resources, including a checklist of exemptions, see MLRI’s webpage: Masslegalservices.org/ABAWD. You can find copies of all the forms and information you need. As updates become available about ABAWDs we will post them at this webpage.

DTA Online Guide Sections: SNAP > Work Requirements > ABAWD Work Program Requirement > ABAWD Work Program Exemptions and > ABAWD Work Program Waived Areas

62 What if I have a good cause reason for missing work or a training program?

You can claim good cause for situations beyond your control if you miss hours of work or Employment and Training but you still keep your job or training placement. This includes if you get sick or need to take care of a household member who is sick, if your transportation temporarily breaks down, or if there’s a death in the family or other unexpected household emergency. 106 C.M.R. §362.320(C).

If you can verify a good cause reason that you missed hours of work or training, DTA should not count that month against you or 3 months of SNAP benefits. See Question 59.

63 Can DTA give me SNAP benefits beyond the 3 months?

There are a few ways you can continue to get SNAP or get SNAP back, even if you have used your 3 months of benefits and if you are not exempt.

If you are an ABAWD and you lose SNAP after 3 months, there are some options to get SNAP back – but you must show DTA you have met or are meeting an exemption or the work rules. You may also need to re-apply.
Part 2 • General Eligibility Rules

“Regaining” SNAP

You can get SNAP back if you show DTA you are exempt, meeting, or will meet the work rules for any consecutive 30 day period. When you apply for SNAP, show DTA:

- You are now exempt,
- You worked a total of 80 hours in 30 days,
- You did an Employment and Training activity for 80 hours in 30 days,
- You volunteered the required number of hours in 30 days, or
- You will meet the work rules within a 30 day period (for example, you have a job lined up and your shifts are about to start).

There is no limit to how many times you can get SNAP back if you show you are exempt, meeting, or will meet the work rules.

If you met the work rules but used up your 3 months, you can get an additional 3 months of consecutive SNAP even if you are no longer meeting the work rules. You can get this special “second three months” one time in the 36 month period. See Question 60 for information about the 36 month period.

These “regaining SNAP” rules are true if you were on or off SNAP at the time you met the rules and even if the job or activity ended before you reapplied. 106 C.M.R. §362.320(F),(H).

**Example:** Lee is an ABAWD. He is looking for work but could not find a job that would give him 20 hours a week. He applies for SNAP in July and gets 3 months. He loses his SNAP on October 1 for not meeting the work rules. In the December, Lee gets a seasonal job that lasts just 30 days. Lee shows DTA his pay stubs to prove he worked over 80 hours in December. Lee can get 3 more months of SNAP, giving him time to try to meet the work rules.

**Example:** Mary is an ABAWD who struggles to find work. She loses her SNAP in April, but starts volunteering at her local food pantry after relying on the pantry for food. She volunteers for 15 hours in June. She reapplies for SNAP in July and proves she volunteered 15 hours in June. Mary gets 3 more months of SNAP, giving her time to try to meet the work rules.
Part 2 ▪ General Eligibility Rules

Get “strike” months back

If you were exempt from or meeting the work rules for any of the 3 strike months (the 3 months of time limited SNAP), tell DTA. If you have proof you were exempt or meeting the work rules while your 3-month clock was ticking, DTA can give you “credit” for the months you met the rules – even if at the time they did not know you were exempt or meeting the rules.

Example: Samantha was pregnant while she get SNAP but did not think to tell DTA. Her MD has confirmed she is currently 4 months pregnant and writes that on a statement. Samantha can get back the 3 “strike” months she used while she was pregnant.

Keeping SNAP with special exemption months

DTA currently has a limited number of months that they are allowed to use to give ABAWDs more than 3 months of SNAP.

DTA currently gives extra months of SNAP to ABAWDs when:

- You have a criminal record (CORI) and you are working with an organization to get the CORI corrected or sealed.
- You are in an education or training program through DTA’s SNAP Path to Work but the program runs less than 20 hours a week.
- You are a victim of domestic violence and a DTA DV specialist agrees you should get extra help from SNAP.

These rules may change in 2020. The Trump Administration is planning to take away most of these “individual exemption months” at the end of 2020. For updated information on this, see MLRI’s webpage: Masslegalservices.org/ABAWD.

DTA Online Guide Sections:

- SNAP > Work Requirements > ABAWD Work Program Requirement > ABAWD Work Program Exemptions, Entering and Removing ABAWD Work Program Sanctions,
- SNAP > Work Requirements > ABAWD Work Program Requirement > Regaining Eligibility after ABAWD Work Program Noncompliance
64 How does DTA count my income if I live with other people and I am an ineligible ABAWD?

If you are a member of a SNAP household – but are not meeting the ABAWD work rules – DTA will take you off the SNAP grant. If you have any income, DTA should only count a portion (pro-rated share) of your income against the rest of your household. 7 C.F.R. § 273.11(c)(2)(ii).

**Example:** Mary is 21 and lives with her mother. She is an ABAWD who has a very part time job earning $150 per week. Her employer won’t give her 20 hours per week, so DTA stops her portion of her SNAP benefits in April. DTA should also count only one half ($75) of Mary’s income against her mom.

**Note:** At the time this Guide goes to print in January 2020, DTA does not follow federal law and incorrectly counts all of the income of ineligible ABAWDs living with eligible SNAP members, versus just the pro-rated share.

Please call MLRI if an ABAWD’s income was improperly counted. DTA may owe retroactive SNAP benefits.
Can I enroll in an education or training through DTA’s “SNAP Path to Work” program?

YES. DTA is working with many employment and training providers to offer job search, on-the-job training and training programs for SNAP recipients who want to participate in a program and continue their SNAP benefits. These services are offered through DTA’s “SNAP Path to Work” programs under the SNAP Employment and Training rules, or SNAP ET.

Any SNAP recipient age 16 or older can volunteer for a SNAP ET program. 106 CMR §362.310(B). If you are approved, you do not need to pay for the training program. You can enroll and participate for free.

The SNAP Path to Work providers should be able to:

- Help you update your resume
- Help you develop interview skills or look for work.
- Enroll you in education programs that include English as a second language, Adult Basic Education or GED.
- Enroll you in a community college or other certificate program to help you get a specific skill.
- Help you build other job skills.

DTA keeps a running list of providers who offer employment and training services on their SNAP Path to Work webpage, here: Snappathetowork.org/provider-locations

You can search for available providers by city and town. A number of community colleges (as of January 2020) are also offering SNAP ET certification programs including Bunker Hill, Middlesex, Holyoke, Springfield Tech, Quinsigamond Community colleges, as well as Quincy College. And many other organizations are offering training programs, all paid for through DTA’s SNAP Path to Work program,

It is possible that the SNAP ET program can offer transportation reimbursement for your education or training activity. Contact DTA through the SNAP Path to Work website to find out.

DTA Online Guide: Home > SNAP > SNAP Path to Work Program > SNAP Path to Work Program
Part 3
Financial Eligibility

66 What is financial eligibility?

You must meet the SNAP *income tests* to get SNAP benefits. There is *no asset test* for most Massachusetts households. See Question 67.

There are three basic steps in the SNAP math:

1. Your *countable gross income* must be under the financial limit for your household size.

2. Your *countable net income* is determined after allowing certain deductions for shelter, dependent care and some other expenses.

3. Your *monthly SNAP benefit* is calculated by subtracting 30% of your countable net income from the maximum SNAP benefit for your household size.

The financial eligibility rules are confusing. Part 3 walks you through the financial rules step-by-step.

*Financial Calculation Tools:*

✓ Check out our on-line and mobile-friendly SNAP calculator at Masslegalservices.org/SNAPCalculator. An Excel spreadsheet calculator is also available at that link for quick calculations.

✓ For a simple one-page SNAP Worksheet, go to Appendix A.
When do assets count?

There is no asset requirement for most SNAP households. The majority of states have elected a federal option, known as “categorical eligibility,” which allows states to eliminate the SNAP asset test for most households. 106 C.M.R. §§363.110 and 365.180.

Note: In 2019 the Trump Administration proposed a rule change that would impact the rules about assets and SNAP. As of January 2020, no rules have changed and there continues to be no asset test for the vast majority of SNAP households in Massachusetts. Contact MLRI for more information.

There are four situations when DTA will ask about your assets:

- **Expedited benefits:** If you need SNAP benefits quickly, you may qualify if you have less than $150 in countable income and less than $100 in liquid assets (cash on hand, money in the bank), or if your shelter costs exceed your income and liquid assets. 106 C.M.R. § 363.100. See Question 3 about expedited SNAP.

- **Elder/disabled households with gross income above 200% FPL:** If you are age 60 or older or disabled and your gross income exceeds this level, DTA will ask about assets. Your assets must be below $3,500. Assets include bank accounts, stocks, bonds, real estate other than your home, etc. Assets do not include tax-deferred retirement or education accounts, your home or land it sits upon, a car or other excluded items. See 106 C.M.R. §363.130 for a full list of which assets are counted and 106 C.M.R §363.140 for a list of non-countable assets.

- **Income you earn from assets:** Any income you receive from an asset does count as income, including interest earned on savings and dividends you receive. 106 C.M.R. § 363.220(B)(5). If interest is paid quarterly or annually, DTA will average it out over the three, or twelve, months. 106 C.M.R. §364.340. DTA may ask for bank statements, tax filings or other proof of the amount of interest or dividends you receive.

- **If you or a household member is disqualified** due to an intentional program violation (fraud) per 106 C.M.R. §367.800. These households must have less than $2,250 in assets.

Under federal rules, DTA cannot count assets if a household member is disqualified under the ABAWD work rules. Contact MLRI if DTA asks about assets and you are not part of the above 4 situations. 7 C.F.R. §273.2(j)(2)(vii).
Part 3 • Financial Eligibility

DTA Online Guide Sections: SNAP > Eligibility Requirements > Assets > SNAP Asset Guidelines

Additional Guidance:
● Pension or retirement savings account withdrawals that are more frequent than one time withdrawals are likely countable as unearned income. Withdrawals from savings accounts are non-countable income. Interest income is countable. Hotline Q&A (Feb 2014)
● Instructions on how to explain to elders and other households why interest income and other income from assets count (e.g., annuities, dividends, pension payments); verification of dividend payment or assets can include tax returns; requirement to assist with verifications. Transitions Hotline Q&A (May 2009)
● Cash-in of life insurance policy treated as asset to the extent household subject to asset test (not cat el). Transitions Hotline Q&A #2 (Feb. 2013).

68 Is there a gross income test for SNAP?

Yes! Most SNAP households need to have gross income under 200% of the federal poverty level. Gross income is your monthly income before any taxes or deductions. 106 C.M.R. §364.370, 106 C.M.R. §365.180.

<table>
<thead>
<tr>
<th>Household Size</th>
<th>Gross Income Test 200% FPL*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$2,127</td>
</tr>
<tr>
<td>2</td>
<td>$2,873</td>
</tr>
<tr>
<td>3</td>
<td>$3,620</td>
</tr>
<tr>
<td>4</td>
<td>$4,367</td>
</tr>
<tr>
<td>5</td>
<td>$5,113</td>
</tr>
<tr>
<td>6</td>
<td>$5,860</td>
</tr>
<tr>
<td>7</td>
<td>$6,607</td>
</tr>
</tbody>
</table>

*These numbers are effective as of January 15, 2020. For the most up to date numbers, go to: Masslegalservices.org/content/ma-snap-calculation-worksheet

Households that Pay Child Support
Part 3 • Financial Eligibility

If a household member *pays legally obligated child support* to a child outside the home, the child support is *not* counted in the initial gross income test. 106 C.M.R. §363.230(O). See Question 82.

**Elder/Disabled Households above 200% FPL**

There is no gross income test for households that include an elder or disabled member. However, to qualify for SNAP, the household must meet the *asset test.* See Question 67. These households must also have very high shelter and/or medical expenses (very low net income) to qualify for any SNAP benefit.

**Sanctioned households and 130% FPL**

If you are a member of a SNAP household where an adult member has committed an IPV (fraud), the SNAP rules use a lower *130% FPL gross income threshold.* In the SNAP math, the sanctioned member is not included in the SNAP household size for the remaining members—however if the sanctioned member has income, their income is included. 106 C.M.R. §363.110. See Question 78. The sanctioned household is also subject to the asset test. Appendix B has the charts for the 130% gross income and 100% net income tests.


**Snapshot of the SNAP income and asset tests**

<table>
<thead>
<tr>
<th></th>
<th>SNAP Asset Test</th>
<th>Gross Income Test</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Family</em> with children, pregnant woman</td>
<td>NO</td>
<td>200% FPL</td>
</tr>
<tr>
<td><em>Persons age</em> 18-60, no kids, not disabled</td>
<td>NO</td>
<td>200% FPL</td>
</tr>
<tr>
<td><em>Elder/disabled</em> household</td>
<td>NO</td>
<td>None - note below if income over 200% FPL</td>
</tr>
<tr>
<td><em>Elder/disabled</em> household – gross income &gt; 200% FPL*</td>
<td>YES</td>
<td>None</td>
</tr>
<tr>
<td>Household under <em>sanction</em> due to IPV</td>
<td>YES</td>
<td>130% FPL</td>
</tr>
</tbody>
</table>

* But household’s net income must be low enough to qualify for a benefit. Households above 200% FPL gross income do not receive the $16 minimum benefit.
Part 3 • Financial Eligibility

Note: In 2019 the Trump Administration proposed a rule change that would impact the gross income test. As of January 2020, no rules regarding gross income limits for SNAP have changed. Contact MLRI for more information.

Advocacy Reminders:

✓ All eligible 1 and 2 person households with gross income under 200% FPL will receive at least the minimum $16 SNAP benefit, in accordance with 106 C.M.R. §364.600(A).

✓ An individual who is both elderly and disabled, and lives and consumes food jointly with others, can get her or his own SNAP even if she cannot purchase or prepare separately. To be eligible for this special status, the gross income of the rest of the household, (excluding the elderly disabled person, his or her spouse, and children) must be less than 165% FPL. 106 C.M.R. §§361.200(B), 364.975. See Question 37.

DTA Online Guide Sections: SNAP > Eligibility Requirements > Categorical Eligibility

69 What income is not counted?

DTA looks at total monthly income to decide if you are eligible for SNAP benefits and how much you will get—but not all income counts. 106 C.M.R. §§ 363.220(C), 363.230.

Here are examples of income that does not count for SNAP:

- VISTA, Youthbuild, AmeriCorps, and Foster Grandparent allowances, earnings, or payments for persons otherwise eligible.

- U.S. temporary Census earnings, for the 2020 Census count.

- Lump sum payments – such as inheritances, tax credits, damage awards, one time severance pay, or other one-time payments.

- Reimbursements – money you get to pay you back for expenses, including training-related expenses and medical expenses. Payment received for certain DTA Employment and Training programs is non-countable as a reimbursement payment,
Part 3 • Financial Eligibility

- Senior Community Service Employment Program (SCSEP) stipends paid to older workers doing part time community service work.

- Anything you do not get as cash – such as free housing or food, or money that is paid directly to a landlord or utility company made by a relative, friend or agency that has no legal obligation to do so.

- Cash contributions given to you that provide for part of your housing, food or other needs that are paid by a person or agency that has no legal obligation to do so. See Question 70.

- Veterans Services (M.G.L. c 115) payments made by vendor payment directly to your landlord or utility company.

- Money earned by a child under age 18 who is attending high school or elementary school, provided the child lives with a parent or other responsible adult.

- Up to $30 per household member in a three-month period that is not regular (such as money from odd jobs).

- Up to $300 in a three-month period from private charities.

- Federal educational assistance including grants, loans, and work-study, including Montgomery Bill payments to veterans. (See Question 45).

- Other educational grants and scholarships that are for education costs and not earmarked or intended for current living expenses (room and board). See Question 46.

- Loans from private individuals and financial institutions, including loans on the equity of a home (reverse mortgages). See Question 70.

- The first $130 per month in training stipends.

- One-time payments, such as tax refunds, state and federal earned income tax credits (EITC), insurance settlements, and back benefits from other programs.

- Combat pay earned by a service member while they are actively serving in a federally-designated combat zone.

- Legally obligated child support payments that you pay for a child who is living outside the home and not part of your SNAP household. See Question 82.
Part 3 • Financial Eligibility

Advocacy Reminders:

✓ The SNAP regulations state that you do not need to verify income that is considered non-countable, unless the information you provide is inconsistent or questionable. See 106 C.M.R. §§ 361.610(A),(K), 363.210(D).

✓ Federal and state tax refunds and other non-recurring lump sums of money such as insurance settlements or back benefits from other programs do not count as income. 106 C.M.R. §§ 363.130(E), 363.230(I), 363.140(G)(6). Unlike TAFDC and EAEDC, the SNAP program does not count lump sum payments as income. 106 C.M.R. § 363.230(I).

DTA Online Guide Section: SNAP > Eligibility Requirements > Income > Non-countable Income

Additional Guidance:

● Repeated withdrawals (e.g. more than once) from pension or retirement accounts are countable unearned income. One time withdrawal from pension or retirement account is non-recurring lump sum and does not count as income. Hotline Q&A (Feb 2014)
● Quarterly clothing allowance for foster children paid by DCF is countable unearned income (Transitions Hotline, Sept 2014)
● State and federal income tax refunds are nonrecurring lump sums and are non-countable as income. Transitions Hotline Q&A (June 2013)
● VA educational benefits excluded if grant or scholarship precludes use for current living costs. Transitions Hotline Q#5 (May 2013)
● Montgomery GI Bill payments used for educational purposes non-countable income. Transitions Hotline Q & A (Feb. 2011)
● Interest on assets and dividends is countable income. Transitions Hotline Q&A (May 2009)
● Flexible credits provided by employers that are used for benefits such as health insurance and cannot be taken as cash are non-countable as income; DTA workers instructed to check pay stubs to identify non-countable flex-credits. Transitions Hotline Q&A (Feb. 2006) and Transitions FYI (Jan. 2006)
● Payments from reverse mortgage is a loan and not countable income. Transitions Hotline Q&A (April 2007)
● Social Security received by household for child residing in institution is not countable if money is used for the care and maintenance of the institutionalized child. Transitions Hotline Q&A (June 2000).
70 Does DTA count gifts or contributions?

If you get regular gifts from non-legally responsible friends or relatives (such as your parents if you are over 18, or your aunts and uncles), these gifts do NOT count as income as long as the money is designated for a specific living expense and does not exceed the amount of the expense. Living expenses include but are not limited to: rent, mortgage, fuel, utilities, food, child care, car payments or car insurance, clothing or toiletries, or transportation. 106 CMR §363.230(A). But, unlike loans you plan to repay, DTA may calculate your deductible expenses at a lower amount if the gift lowers the amount you are responsible to pay for shelter, dependent care, or medical costs.

Contributions made for a portion of other basic living needs – such as transportation or toiletries – also do not count (and do not lower your deductible costs).

Example 1: Jill’s rent is $1,200 per month. Jill explains that her Aunt regularly gives her $400 per month toward her rent. DTA does not count the $400 as income, but DTA calculates Jill’s rent at $800/month in determining her SNAP benefits. This reduces her shelter cost deduction and reduces her SNAP.

Example 2: Jeff’s work hours were cut, and his cousin begins giving him $200 per month towards part of his car payment and his car insurance. Jeff needs his car to get to work. Jeff’s rent is $900 per month. DTA does not count the $200 as income, nor do they decrease his shelter costs because the contribution is for Jeff’s car costs and not his rent.

Verifying contributions

DTA policy states that households who get a cash gift from non-legally responsible persons must provide proof of the contribution, including information on who the payments are made to, the amounts, what the payments are intended to cover, and how often the payments are made.

DTA must accept the best evidence available if the person making the contribution is unwilling or unable to make a statement about the gift. See Question 16.

There are many situations where you may not be able to get this verification. For example:
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- You are concerned that that asking for proof from the friend or relative will cause the person to stop gifting you money.
- The friend or relative is unwilling to go on record with DTA about the money they give you.

If you cannot get a letter from the person giving you the money – for whatever reason – explain this to DTA in writing. In your statement, you can explain what the payments are for, and how often you get them. If DTA denies or terminates your benefits due to a contribution issue, you can ask to speak to a Supervisor, the DTA Ombuds Office, or file an appeal.

If the money you receive from others is considered a loan, be sure to clarify that you plan to pay back the money with DTA. Loans are non-countable income. 106 C.M.R. §363.230(E). DTA may require verification in the form of a statement signed by the lender and the recipient indicating the payment is a loan and must be repaid. If the loan is recurring, DTA may ask for an affidavit from the loan provider regarding repayment details.

DTA Online Guide Section: SNAP > Eligibility Requirements > Income > Other Income (Unearned) > Contribution Income
What is earned income?

Most earned income is countable income for SNAP purposes. 106 C.M.R. §363.220 (A). Earned income includes:

- Gross earnings from wages and salaries, including earnings diverted or garnished by an employer for a specific expense. 106 C.M.R. §363.220(A). This includes short-term disability payments from your employer if you are still an employee.

- Gross earnings from self-employment after allowable business expenses (business expenses do not include personal income taxes or FICA). See Question 73.

- Income from boarders (persons who get a room and meals from you) after subtracting the cost of doing business, as long as the boarder is not part of the SNAP household. 106 C.M.R. §365.200. See Question 42.

- Income from rental property minus business expenses, provided you or a household member manages the property for at least 20 hours per week. 106 C.M.R. §365.930(A). See Question 75.

_Gross income_ is your earnings before taxes, FICA or other mandatory payroll deductions. Gross income does _not_ include the value of employee “credits” for employee benefits such as health insurance, credits that cannot be taken as cash by the employee. See Question 69. Special SNAP rules apply to individuals who pay child support. See Question 82.

Non-countable earnings

The earnings of a dependent child under age 18 who attends school is _not countable_ income. 106 C.M.R. §363.230 (H). Nor do the stipends paid to otherwise eligible AmeriCorps, VISTA, Youthbuild, SCSEP and others doing service work count. See Question 69.

DTA Online Guide Sections: Home > SNAP > Eligibility Requirements > Income > Earned Income >

Additional Guidance:
- Missing wage information and date of termination from work can sometimes be verified by DTA through an internet-based employee verification system, called “The Work Number.” theworknumber.com. Ops Memo 2013-33 (July 9, 2013)
- Short-term disability payments are treated as earned income (20% earnings deduction applies) if the payee is still considered an employee, intends to return to
work, and the payments are made out of company funds versus an insurance company. Transitions Hotline Q&A (Sept. 1998).

72 How does DTA double-check income and other information?

Like all states, DTA uses different computer matches to find unreported income and check other information. If DTA finds out information about your household that they think you did not report, they may contact you for more information. If you were supposed to report income or other information and you failed to do so, you may have an overpayment. It is also possible you could be sanctioned (cut off for a period of time), if a hearing officer decides you intentionally failed to report information. See Question 119.

If you are on "simplified reporting" for SNAP, you are not required to report changes (such as a new job) until your Interim Report or Recertification is due or your household's gross income exceeds the gross income test for your household size. See Question 99.

When DTA gets information directly from certain agencies or programs, DTA can act on the information it gets from these sources without contacting you. For example, DTA can act on information automatically if the information is directly from Social Security, the MA Department of Unemployment Assistance, or the MA Department of Children and Families.

Example: Tom’s Social Security increases in January each year with a cost-of-living increase. DTA can reduce Tom’s SNAP benefits without talking to Tom in advance. DTA will send Tom a letter that his SNAP benefits have gone down based on the increase in Social Security.

If you are on Simplified Reporting or EDSAP, DTA cannot ask you for verification of other data matches or information that is not directly from the source. DTA can require proof from you if the information is new information (less than 60 days old) and it is information that you would have been required to report.

Example: Jane is approved for SNAP and is on Simplified Reporting. DTA learns through The Work Number (a company that helps large businesses with employee payroll information) that Jane
Part 3 ▪ Financial Eligibility

started working at McDonald’s part-time. DTA cannot reduce Jane’s SNAP even if they learn of the wages through The Work because The Work Number data is not “verified upon receipt” and Jane was not required to report the change in her income until the next Interim Report (or if her total gross income is over the gross income test). DTA can ask Jane for more information about this job at her next Interim Report or Recertification.

If DTA asks you to re-verify your residency due to out of state EBT usage, See Question 92.

DTA can also ask you for verification if the information they get appears to conflict with information you reported to DTA when you first applied or filed your Interim Report or Recertification. This is important because not all data match information is accurate or “real time” (up to date).

Data match information may not be relevant to your SNAP eligibility, and DTA’s action on certain data sources may not comply with federal rules. If you think DTA incorrectly took negative action on your case as a result of a data match, contact MLRI.

DTA Online Guide Sections:
- SNAP > Certification Types > Change Reporting > Change Reporting Overview, and
- SNAP Certification Types > Simplified Reporting > Simplified Reporting During Case Maintenance

73 ▪ How is self-employment income counted?

Self-employment income is calculated by subtracting the cost of doing business from the gross income or “profit” from the business, but before subtracting FICA or income taxes.

You may be self-employed if you have your own business or you provide services as a contractor or sub-contractor (such as child care, carpentry, IT, plumbing, taxi services, or snow plowing). Most “gig economy” workers – including Uber, Lyft, TaskRabbit and Uber Eats -- are also independent contractors and thus are self-employed.

Self-employed persons often underreport their costs of doing business. Identifying all your business expenses can make a big difference in lowering your countable income and boosting your SNAP benefits.
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Examples of self-employment business expenses

- use of your own car, or leasing a car (for example as a driver for Uber or Lyft) and all the costs associated with running that car and giving rides (insurance, excise taxes, gas, repairs, your cell phone, etc)
- rent and utilities you pay for your business space (including a portion of the costs of your home if you have an at-home business);
- rental of equipment (such as a taxi, tractor, boat, or beauty salon equipment);
- costs of supplies (such as food, diapers or toys provided in a day care setting, housekeeping equipment, products for a beauty salon, etc);
- wages you pay to other employees;
- stock or inventory, raw materials used to make a product, including seed, fertilizer, supplies for crafts or furniture building;
- mortgage (including the principal and interest), and taxes paid on income-producing property;
- repairs and replacement of equipment;
- legal and accounting fees, licenses (such as a day care license) and permits to operate the business;
- telephone and internet expenses, advertisement costs, computers, postage, paper and other business supplies.

See 106 C.M.R. § 365.940. If these expenses are verified, DTA will allow them as part of the costs of doing business in calculating your countable gross income before the 20% earned income deduction.

Example: Jason is an Uber driver. He pays $500/month to lease the car plus insurance, gas and cell phone service to get customers and report rides. These are deductible expenses.

Example: Karla sells cosmetics from her home, buying the product directly from the manufacturer. She can deduct from her gross income the cost of the cosmetics as well as costs involved in reaching customers (phone, mailing costs, website, advertising).

Example: Sarah provides day care in her apartment. She pays more for oil and electricity to heat her home than she would otherwise use. Sarah also buys food for snacks and diapers, and pays for a day care license. A portion of her heat/utility costs can be claimed as a business expense, as well as the cost of snacks, license and other supplies for her business.
Part 3 • Financial Eligibility

You can also claim business expenses incurred setting up your business before you applied for SNAP benefits. 106 C.M.R. §365.030(B). However, you cannot claim net losses on your business. And you cannot claim the money you set aside for income tax or retirement funds (these expenses are considered part of the 20% earnings disregard). 106 C.M.R. §365.950.

Rental income is treated as unearned income unless you spend least 20 hours a week managing the property. 106 C.M.R. §§363.220(B)(5), and 365.930(A). See Question 75.

Averaging self-employment income

Self-employment is usually averaged over a 12-month period unless the income is intended for a shorter period (e.g., summer income). Tell your SNAP worker you wish to have it cover a shorter period of time because of anticipated changes. 106 C.M.R. §§364.340(B), 365.960.

After DTA determines your pre-tax “gross” monthly self-employment income after pre-tax business expenses, DTA deducts 20% of that gross income as an earnings disregard—just like if you had regular wages or employment. 106 C.M.R.§364.400(B).

Example: Millie netted $10,000 last year from her taxi service after her business expenses (insurance, gas, taxi medallion, maintenance, monthly loan repayment on vehicle). She does not expect her pre-tax net income to change this year. DTA should average this $10,000 over 12 months to get a monthly figure of $833/month. DTA then subtracts the 20% disregard from the $833/month, which reduces her countable earned income to $667 per month.

Verifying self-employment income

DTA may ask for a copy of your “Schedule C” tax record or a statement from an accountant. If you have not made enough to file taxes or done a recent quarterly tax filing, or do not have an accountant, there are other options. If the usual verifications are not available, you can verify your income based on the best information available. That may include as a self-declaration of your income. 106 C.M.R. § 363.210(G).

DTA Online Guide Sections: SNAP > Eligibility Requirements > Income > Self-Employment > Self-Employment

Additional Guidance: If the most recent tax return not available, or does not reflect current or accurate picture of anticipated income, other proof of business income and expenses is acceptable. Transitions Hotline Q&A (Nov. 2010)
What is unearned income?

Most sources of unearned income are counted in calculating your SNAP benefits. 106 C.M.R. §363.220(B). Unearned income is counted 100%, which means you do not receive the 20% earned income disregard.

Countable unearned income includes:

- Needs-based cash assistance including TAFDC, EAEDC, SSI and Veterans Services (Chapter 115) benefits. 106 C.M.R. §363.220(B)(1).

- Cash benefits based on past earnings or service, including Unemployment Insurance, Workers Compensation, Social Security, federal Veteran’s benefits, and other pension benefits. 106 C.M.R. §363.220(B)(2).

- Foster care payments received for a child or disabled adult who is included in the SNAP household. These payments are not countable if you opt out this individual from the SNAP household. 106 C.M.R. §§361.240(F), 363.220(B)(2). See Questions 43 and 44.

- Child support and any income from trusts, alimony or other sources paid directly to you. Child support payments made to TAFDC recipients that must be assigned to the Department of Revenue (DOR) are not countable, even if erroneously received by the TAFDC household. 106 C.M.R. §§363.220(B)(3), (C)(6).

- Interest payments, dividends, royalties paid from your assets, or other direct money payments. 106 C.M.R. §363.220(B)(4). These monies still count as income, even though the assets themselves do not count. Capital gains from the sale of personal assets are excluded as nonrecurring lump sum income in most situations.

- Certain non-federal post-secondary educational loans, grants, scholarships that can be used for current living expenses. 106 C.M.R. §363.230(D). See Question 45 and 69. Most federal educational monies, including federal work study, are non-countable.

- TAFDC or EAEDC benefits diverted to a landlord or other third party vendor payments. 106 C.M.R. §§363.220(C)(2), (C)(3).

- The portion of a TAFDC, EAEDC or SSI grant that is deducted because an individual was sanctioned or is repaying an overpayment due to an
Part 3 • Financial Eligibility

intentional failure to comply with requirements of these programs. See Question 77.

Advocacy Reminders:

✔️ DTA can use government databases to verify a number of income sources such as Social Security (RSDI), Supplemental Security Income (SSI), MA Unemployment Benefits and child support that is paid to a family through the Department of Revenue (DOR). DTA should use these databases to verify unearned income and not ask you to produce a written statement about the benefit amount unless there is a discrepancy between what you reported and what the databases say.

✔️ Unearned income that is “recouped” for an overpayment is often not countable. See Question 77.

DTA Online Guide Sections: SNAP > Eligibility Requirements > Income >Other Income (Unearned) > Other Income Introduction (Unearned)

Additional Guidance:
● Pension or retirement savings account withdrawals that are more frequent than one time withdrawals are likely countable as unearned income. Interest income is also countable. Hotline Q&A (Feb 2014)
● State Veterans’ Services Benefits (VSB) considered countable unearned income but certain portions may be excluded—if vendor payments are made by VSO, etc. Transitions Hotline Q&A (May 2013). See also DTA’s Massachusetts SNAP Veterans Guide, issued in 2019.

75 How is rental income treated?

The net amount of rental income you receive – after the costs of homeownership or lease of a building – is countable unearned income. It is earned income only if you spend more than 20 hours a week managing and maintaining property. 106 C.M.R. §365.930(A), 106 C.M.R. §363.220(B)(5)

Homeownership costs include what you pay on a mortgage (principal and interest), homeowner’s insurance, property taxes, water and sewer charges, repairs, trash collection, utilities shared by the entire home, etc. 106 C.M.R. §365.930(A)(1), 106 C.M.R. §365.940
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If you own your home and rent out a room or apartment, you can deduct a pro rata (proportional) share of the mortgage and homeownership costs from the rental income. The rest will be counted as unearned income.

Example: Verdina is age 72 and rents out two units in the triple-decker house she bought in the 1970s. Each tenant pays their own utilities. She receives $500 a month for each unit and pays $1,200 a month to the bank for mortgage, interest and insurance on the building. Verdina also pays an average of $90 a month for water/sewer and trash collection for a total of $1,290 in monthly expenses. She can deduct two-thirds (or $860) of the monthly expenses from her rental income (for the two units she rents) to determine the countable rental income for SNAP purposes. She has only $140 in countable rental income and not $1,000.

| Income (rent paid) from Verdina’s two rental units | $1,000 |
| 2/3 of Verdina’s homeownership costs (2/3 of $1,290) | - $860 |
| Countable rental income for Verdina ($1000 less $860) | $140 |

Note: In this example, when Verdina applies for SNAP benefits, she has only $140 in rental income. She can claim one-third of mortgage related costs for her shelter expenses (1/3 of $1,200, or $400) but not the full amount of the total homeownership costs. Her portion of the water/sewer and the trash collection are covered by the standard utility allowance (SUA, $646), which is added to her third of the mortgage/insurance costs ($400).

Advocacy Reminders:

✔ If you are the primary tenant of an apartment, it is recommended that each tenant make a payment to the landlord directly. This can avoid errors in SNAP calculations and erroneous counting of income if you are merely passing through rental income to the landowner.

DTA Online Guide Sections: SNAP > Eligibility Requirements > Income > Self-Employment >
How does DTA calculate my income for each month?

Your SNAP monthly benefit is based on how much income you and the worker are “reasonably certain” you will receive for the period you are on benefits (your certification period). 106 C.M.R. §364.310.

If you have earned income, DTA will ask for proof of earnings for the 4-week period prior to the date you applied for SNAP. If you cannot get wage information from your employer and need DTA to help, see Question 16.

The 4.333 rule

DTA calculates your monthly income by multiplying the most recent average weekly income by 4.333 to get a monthly amount (by 2.167 for bi-weekly amounts). 106 C.M.R. §364.340.

Example: Judy received the following gross pay the past 4 weeks: $200, $224, $150, and $250. The average of these weeks is $206 per week. DTA then multiplies this average amount of $206 by 4.333 to get a monthly gross income of $893.

Terminated income

If you are no longer working at your old job, the income from the last job should not be counted in calculating your SNAP benefits. The same is true if other earned or unearned income stops. DTA should calculate your financial eligibility prospectively (see below). 106 C.M.R. §364.310.

It is possible DTA will count some income from your terminated job for the first month of your SNAP, if you got a final paycheck within the cyclical month of your SNAP application. 106 C.M.R. §365.840, 106 CMR §364.110. Once that first month passes it should no longer count as part of the SNAP calculation for your household. See Question 57 for an example.

Anticipated income

Income from a new job, from Unemployment Benefits, or other income source should also not be counted until you and DTA are certain when you will get paid and how much. 106 C.M.R. §§364.310, 364.320. If you do not anticipate receipt of the income in the first 30 days of your certification period, it should not count until the next Interim Report is due or if you are
required to report if your household’s income exceeds the gross income test before then.

**Income of school employees**

If you are a school employee who is not paid year round, DTA will average out your income over 12 months if you meet all of the following:

- You work under a renewable annual contract,
- You have written reasonable assurance of employment for the upcoming academic year, and
- You are salaried (not paid on an hourly basis).

If you would like DTA to average your income out over 12 months, you can ask DTA to do that. However, it if often advantageous not to average your income out over a year and instead adjust your SNAP in the months you are not paid (e.g. summer vacation). Contact an advocate if you need advice.

**DTA Online Guide:** SNAP > Eligibility Requirements > Income > Earned Income > [Earned Income Introduction](#)

SNAP > Eligibility Requirements > Income > School Employees > School Employees

**Additional Guidance:**

- DTA should only count income from a terminated source that is received during the cyclical month of your SNAP application (e.g. the first month of the certification period). Transitions Quality Corner, September 2015, Pg 2
- Anticipated UI should not be counted if it is not certain the household will actually receive the UI benefit by Day 30. Transitions Hotline Q & A (April 2004)

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**77**

Does DTA count money that is withheld or garnished from my cash benefits?

DTA sometimes count money you do not get as income, including:

- Money taken from your TAFDC or EAEDC benefit because of an intentional failure on your part to comply with the rules of that program is counted as if it were still paid in calculating your SNAP benefits.
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This includes when your cash benefits are reduced if DTA decides you failed to comply with the TAFDC work rules, teen parent school attendance rule, Learnfare rule, child support requirements, etc.

Example: Randy receives $398/month in TAFDC for her child. She was getting $531 but DTA reduced the benefits by 25% because DTA determined that Randy failed to cooperate with the child support rules without good cause. DTA will calculate the SNAP benefits as if Randy receives the full TAFDC grant of $531.

■ Money taken out of your TAFDC, EAEDC, Supplemental Security Income (SSI) cash benefits or the Massachusetts Veterans Services program due to an intentional program violation (fraud) is counted in calculating your SNAP benefits. 106 C.M.R. §363.220(C)(4).

If the money is being taken out to repay a non-fraud overpayment, it is not countable income. 106 C.M.R. §363.220(C)(4). And DTA cannot count needs-based benefits you don’t receive unless there is a finding that you intentionally failed to comply with program requirements resulting in the benefit reduction. 7 C.F.R.§273.11(j)

■ Money legally owed to you but you do not receive directly because it is paid to a third party does count as income to you. For example, if you ask your boss to pay your rent directly from your paycheck, the money would still count. But if your boss pays you your regular salary and also pays your rent as a gift, the rent payment does not count as income. 106 C.M.R. § 363.220(C)(3).

■ Part of your TAFDC or EAEDC grant that is sent to your landlord or utility company as a “vendor payments” is countable income for SNAP. 106 C.M.R. § 363.220 (C)(2), (C)(3).

■ Money garnished from (taken out of) your Social Security benefits (RSDI) may count for SNAP, depending on the reason for the garnishment. See the chart below.
### Social Security Benefits (RSDI): Garnishment

<table>
<thead>
<tr>
<th>Reason money is taken out</th>
<th>What does this mean for SNAP?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owed child support</td>
<td>Counts as income. Should count as a child support deduction. See Question 82.</td>
</tr>
<tr>
<td>Medicare Part B or D, or private insurance</td>
<td>Counts as income. Should count as a medical expense deduction. See Question 80. DTA automatically gets proof of Medicare Part B.</td>
</tr>
<tr>
<td>RSDI overpayment</td>
<td>Does not count as income.</td>
</tr>
<tr>
<td>Unintentional SSI overpayment</td>
<td>Does not count as income.</td>
</tr>
<tr>
<td>Intentional SSI overpayment</td>
<td>Counts as income.</td>
</tr>
<tr>
<td>Unpaid taxes, alimony, or student loans.</td>
<td>Counts as income.</td>
</tr>
</tbody>
</table>

### Advocacy Reminders:

- Money that is taken out of your EAEDC, TAFDC, SSI or other needs-based benefit to pay back an overpayment can only be counted as income if you were found guilty of an IPV/fraud by a court of law or hearing officer. The federal SNAP regulations also state that DTA is required to contact the agency that administers the benefits (e.g. SSA) to confirm a formal finding of fraud as the basis of the overpayment, not the SNAP recipient.

- Money recovered from a needs-based program, such as Unemployment Compensation, should not be counted as income for SNAP purposes. 106 C.M.R. § 363.220(C)(4). Monies recovered from federal Veterans Administration (VA) benefits also is not countable because the VA benefits are not a “public or general assistance program.”

- Money paid to a third party that is not legally owed to you does not count. For example, if a family member, friend or an organization, pays your landlord part of your rent, the payment is not countable. 106 C.M.R. § 363.230(B).
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✔ Money that is paid to others on your behalf – but you do not have legal control over – does not count. 106 C.M.R. § 363.230(B)(4)(b). For example, if the court orders an absent parent to pay $600 per month you for child support and pay $500 per month to a bank for the mortgage on jointly held property, the $500/month does not count as income.

✔ If your Social Security benefits are being garnished to repay a debt you owe, contact Legal Services. There may be options to reduce or eliminate the monthly garnishment.

DTA Online Guide Sections:
- Home > SNAP > Case Maintenance > SNAP Attributed Amount
- Home > SNAP > Expenses and Deductions > Garnishments from SSB

Additional Guidance: DTA guidance and chart on when SNAP can count withheld or recouped income as countable. Workers must use net Social Security and not count recouped RSDI, and confirms that VA pension overpayment recoupments are never countable. Transitions Hotline Q & A (Nov 2014)
How does DTA count the income of someone not in my SNAP household?

If you share living quarters with friends or relatives – and you purchase and prepare the majority of your meals separately – the income of these individuals does not count. 106 C.M.R. §363.230(L).

However, if you live with someone who is *required* to be part of your SNAP household but is ineligible, there are rules about how their income is handled.

The treatment of their income depends on the reason the person is not eligible:

- An intentional program violation (IPV) or fraud, see Question 119.
- A disqualifying criminal record (fleeing felon), see Question 46.
- A voluntary quit from work or a strike, see Question 57 and 58.
- Undetermined immigration status, see Question 54. To determine how SNAP treats the income of ineligible immigrant household members, see Question 88.
- ABAWDs who are ineligible for SNAP should have a pro-rated share of their income applied to the rest of the household. As of the writing of this Guide, DTA fails to do this. See Question 64.
- A household member who fails or refuses to give his or her SSN for reasons other than non-citizen status should have their income treated the same as an ineligible ABAWD. See Question 64.
- Any income of an ineligible college student is not counted. See Question 45.
- Income of individuals in adult foster care can be excluded. See Question 44.
- Income of foster care children can be excluded. See Question 43.

See 106 C.M.R.§361.230(D) and 7 CFR 273.11(c).
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In some of these situations the rules require DTA to count the disqualified person’s income and apply the lower (130% FPL) gross income eligibility test, along with impose an asset test. See Question 67.

In addition, the rules require DTA to exclude the disqualified person in the household size. 106 C.M.R. §365.520(A)(4).

Example: Mark, Sarah and their two children reapplied for SNAP recently. Mark was disqualified in September for 12 months after a hearing officer ruled that he had committed an intentional program violation (IPV). Mark is now working 20 hours a week and the family reapplied for SNAP. Mark is not eligible until his 12 month disqualification period ends at the end of August. As a household with a disqualified member, the household’s income (including Mark’s) must fall under the lower 130% FPL gross income limit for three people (his wife and 2 children). Further, the family’s SNAP benefit amount is calculated for a household of 3 (not 4). Mark is excluded in the SNAP household size until the 12 month sanction period expires, but his income counts in the SNAP math.

Advocacy Reminders:

✓ As soon as the IPV sanction period ends, DTA should use the 200% FPL gross income test (versus 130% FPL) and increase the SNAP benefit to include the formerly disqualified household member in the household size. Be sure to check the accuracy and duration of any sanction.

79 What deductions are allowed against my income?

The following deductions are allowed for all households depending on living situation and expenses:

■ 20 percent of gross earned income. 106 C.M.R. §364.400(B).

■ Self-employment business expenses. 106 C.M.R. §365.940. See Question 73.

■ A standard deduction based on household size: 106 C.M.R. §364.400(A).
### Part 3 • Financial Eligibility

<table>
<thead>
<tr>
<th>Standard Deduction</th>
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<tbody>
<tr>
<td>$167</td>
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<tr>
<td>Household of 1-3 persons</td>
</tr>
<tr>
<td>$178</td>
</tr>
<tr>
<td>Household of 4 persons</td>
</tr>
<tr>
<td>$209</td>
</tr>
<tr>
<td>Household of 5 persons</td>
</tr>
<tr>
<td>$240</td>
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<tr>
<td>Household of 6 or more persons</td>
</tr>
</tbody>
</table>

- **A child care or disabled adult care deduction** if you are working, looking for work, or in school or training. [106 C.M.R. §364.400(D)](http://example.com). See Question 83 describing the range of allowable expenses.

- **Child support paid to children outside the home** (including payments for health insurance, child support arrearages, payments made to third parties for rent or mortgage) if you are legally obligated to pay the support, [106 C.M.R. §364.400(E)](http://example.com). See Question 82.

- **A shelter deduction capped** at $569/month for households that do not include an elderly or disabled member. For households with an elderly or disabled member, the shelter deduction is **un-capped**. [106 C.M.R. §364.400(G)](http://example.com). See Question 85.

- **A homeless shelter deduction** of $152/month if homeless with no shelter costs. [106 C.M.R. §364.400(F)](http://example.com). See Question 86.

The result is your *monthly net income*. Your benefits are based on this amount. An additional *medical expense deduction* is available to elder and disabled households. See Question 80.
What medical expenses can I claim if I am elderly or disabled?

Any member of your household who is elder (age 60+) or disabled is allowed to claim un-reimbursed medical and health-related expenses as an income deduction. This applies to disabled children as well as adults.

The more expenses you are able to verify, the lower your net countable income. The lower your countable income, the higher the SNAP benefits your household will receive – up to the maximum SNAP amount for your household.

There are two ways SNAP handles un-reimbursed medical expenses. 106 C.M.R. §364.400(C).

- **Standard medical deduction of $155**: If your out-of-pocket medical expenses are at least $35 a month, you will receive a standard deduction of $155 off of your monthly income. You do not need to verify more than $35 per month.

- **Actual medical expenses**: If you incur more than $190 per month in medical expenses (the $35 threshold plus the $155 standard deduction), you can claim the actual expenses (minus the $35 threshold).

  **Example**: Esther is 78 years old. She has MassHealth coverage, but the combination of small pharmacy co-pays plus her over-the-counter pain relief and skin treatments add up to over $35 per month. Her SNAP benefits will be calculated using a $155 medical expense deduction. If Esther verified more than $190/month in out-of-pocket expenses, she should claim actual, verifiable expenses that exceed the standard.

If you live in public or subsidized housing, see Question 81.

If you have a one-time medical expense during your certification period, you have the option of claiming the expense as a one-time deduction or having it averaged over a number of months. 106 C.M.R.§364.440(C). DTA should look for the most advantageous option for averaging the one time bill.

At the time this Guide goes to print, DTA says it will not count one-time unpaid medical bills incurred more than a year before you told DTA about
Part 3 • Financial Eligibility

the bill. DTA may not be following the federal and state rules for medical expenses. Contact MLRI if DTA refuses to accept a one-time medical expense in your SNAP case.

Example 1: Esther is 70 and applies for SNAP. She works part-time at a school, so is certified for SNAP for 12 months. She is approved for $74 in SNAP ($100/week earnings, $850 RSDI, rent of $500/month plus utilities). A month later, she reports a one-time unpaid hospital bill of $500. DTA should average her bill out over the next 11 months (the rest of her certification period). Averaging the $500 by 11 months ($45/mo), Ester gets the standard medical expense deduction. Her SNAP increases to $144.

Example 2: Esther’s one-time unpaid hospital bill is actually $350. $350 over 11 months does not exceed $35 (is only $31). The DTA worker should average her bill out over 10 months in order give her the $155 standard medical expense deduction, which maximizes her SNAP.

Scope of allowable health care expenses

- co-pays or premiums for Medicare, Medicare Part D, Medex or other health insurance, and your deductible for Medicare Part D;

- any medical services from doctors, clinics, hospitals, laboratories or other facilities that are not reimbursed by a third party;

- any custodial or attendant care services you need (even if the caregiver is a relative), as well as housekeeping services you pay for;

- costs for child care even if not working, if you need to pay for care because of your age, disability, or illness;

- dental care, dentures, dental adhesives;

- health treatments by a licensed practitioner, including chiropractic, acupuncture, physical or other therapy;

- prescription drugs, including postage costs and any transportation costs to pick them up;

- over-the-counter vitamins and over-the-counter drugs recommended by a licensed health care provider such as aspirin, laxatives, insulin, herbal and homeopathic remedies – a written prescription is not required;
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- eyeglasses, contact lenses/contact saline, hearing aids, batteries, communication equipment for the hearing or visually impaired;

- health-related supplies recommended by a health provider including incontinence supplies, creams and ointments, commodes and walkers;

- cost of a gym membership (if needed for health reasons);

- private transportation costs at the current federal mileage rate (as of January 2020 it is 57.5 cents/mile). Note: Mileage can be verbally self-declared by telling a DTA worker over the phone or in person;

- out-of-pocket parking and tolls, or the monthly cost of taxis, vans, or public transportation needed to get to medical appointments;

- long distance phone calls related to obtaining medical services, or internet if needed for a medical device to function properly;

- veterinary bills, dog food, and other needs for all animals recommended by a medical provider (including trained service animals and therapy and emotional support animals); and

- any other unreimbursed medical expenses prescribed or recommended by your health care providers. 106 C.M.R. §364.400(C).

**Proof of medical/health care expenses**

You are only required to provide proof of the amount of your medical expenses. You are not required to show you paid the bill. 106 C.M.R. § 364.450(A). DTA automatically gets proof of any Medicare Part B premiums taken out of your Social Security benefits.

You do not need to give DTA multiple months of receipts or bills for recurring medical expenses, as long as you have at least one month worth of bills. You can tell DTA in writing or verbally how often you incur the expense.

**Example:** Martha buys hearing aid batteries every 3 months. She gives DTA one receipt and writes in a note to DTA that she buys hearing aid batteries every 3 months. DTA should accept Martha’s self-declaration unless questionable.

The following are examples of proofs you can submit for medical expenses, but you can also submit other items:

- Billing invoices, canceled checks or other proof of your health care bills or insurance premiums (that you paid or you owe).
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o An Explanation of Benefits (EOB) health insurance statement showing how much you owe for co-pays or deductibles.

o A Medicare Claim Summary to show the dates of visits to your doctor and laboratory visits, which you can use to claim your transportation costs (You can also verbally self-declare mileage by calling DTA).

o A print-out from your pharmacy showing your co-pays and out-of-pocket payments for drugs. This is also useful to show all your visits to the pharmacy for claiming transportation. DTA does not need to know which medications you take. You can white out the medication names and dosages from the pharmacy print-out.

o Copies of receipts for things you bought at a pharmacy or health supply store such as pain relief, recommended vitamins, skin ointments, hearing aid batteries, incontinence supplies. You do not need a prescription or statement from your MD to claim these items.

o A written or oral statement from you with the dates and mileage if you used your car to go to your doctor, physical therapy, pharmacy or other providers. DTA can take verbal confirmation of your health care travel over the phone. DTA will help figure out the mileage. If you have a T-pass that you use for medical trips, show DTA the T-pass and receipt when you bought it.

Advocacy Reminders:

✓ Medical expenses are one of the most under-claimed income deductions. Be sure to tell DTA about all health and medical-related expenses of any household member who is elder or disabled.

✓ Sometimes claiming medical expenses does not make a difference in the SNAP math unless you are already receiving the maximum SNAP grant, or your income is high but your shelter costs are very low. See MLRI’s chart for when claiming medical expenses can make a difference, along with other FAQs and screening forms: Masslegalservices.org/snap-medical

✓ If your monthly medical expenses have not changed when you do your Interim Report or Recertification, the SNAP rules say that you do not need to re-verify these expenses.
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✔ DTA should make “a reasonable prediction” of the amount you “expect to be billed” for medical expenses during the certification period. You do not have to prove you paid your bills, only that you are responsible for the bill. However, you cannot claim a bill that an insurance company or other third party is going to pay or reimburse you for. 106 C.M.R. §§ 364.410(B)(3), 364.420, 364.430.

✔ If you are an SSI recipient getting Bay State CAP benefits, you can switch to regular SNAP if your benefits would be higher due to medical expenses or higher shelter costs. See Question 4.

DTA Online Guide Sections: SNAP > Expenses and Deductions > Health Insurance/ Medical Expenses > Medical Expense Deduction

Additional Guidance:
● Over-the-counter: Reminder on scope of allowable medical expenses. Confirms SNAP household does NOT need a prescription to claim over-the-counter drugs. Transitions Feb 2015, Hotline Q &A. Clarification to this guidance: Food you need for a special diet is not an allowable expense. For example, you can buy Ensure with SNAP, but you cannot claim it as a medical expense.
● Expenses incurred still count: Medical bills need only be “incurred”—not necessarily paid—to claim for medical deduction (as long as not reimbursable by third party); Transitions Mailbox (August 2015)

81 Can I claim the medical expenses I used for my public or subsidized housing rent?

Yes! DTA will accept the “rent calculation worksheet” that your local housing authority or housing agency used to determine your SNAP medical expenses. That’s because you already verified these expenses for housing, and the rules for counting medical expenses to lower your rent are similar to SNAP.

You have a right to ask your local housing agency for a copy of your “rent calculation worksheet” or other statement that confirms the amount of medical expenses you verified for your public or subsidized housing rent. DTA will accept that worksheet or housing authority statement of your medical expenses and use that to calculate your SNAP benefits – as long as everyone living with you in your rental unit is either age 60+ or disabled.
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For more information on how to claim medical expenses to lower your rent, and use the same information to boost your SNAP, see the following: How to Lower Your Rent and Boost Your SNAP Benefits: An Advocacy Tool Kit for Mass Tenants (MLRI, October 2018)

DTA Online Guide Section: SNAP>Expenses and Deductions>Health Insurance/Medical Expenses>Medical Expense Deduction

82 What is the child support deduction?

Child support that you are legally required to pay to children who do not live in your home is non-countable under the gross income test, and is allowed as a deduction in determining net income. 106 C.M.R. §363.230(O). Child support payments are non-countable only if you have a court order, administrative order, or legally enforceable separation agreement that says you must pay this amount. 106 C.M.R. §§361.610(J), 364.400(E).

Unfortunately, you cannot claim payments you voluntarily make without a court order or legal agreement. And you cannot claim any alimony payments even if court-ordered or in divorce agreement.

Allowable child support as a deduction

You can claim as a deduction the payments you make directly to the custodial parent, to a court, or the Department of Revenue (DOR). You can claim child support paid directly from your Unemployment Insurance, Workers Comp, or other income source.

You can also claim legally-required payments for health insurance, required for past child support (arrearages), as well as any third party payments. This includes payments to a landlord, utility company, or tuition payments to a school for the needs of the child. 106 C.M.R. §364.400(E).

How DTA calculates the child support paid

Legally-obligated child support you pay does not count for the gross earnings test. 106 C.M.R. §363.230(O). If you pass the gross earnings test, and you pay child support from earned income, the amount you pay for child support is added back into your gross income in order to increase the allowed 20% income disregard.
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Example: John earns $2,100/month gross and pays $500/month court-ordered child support. In measuring his income against the 200% gross income test, DTA should ignore the $500 child support to determine his gross income at $1,700 – well below the 200% gross income test of $2,082 for 1 person.

In calculating John’s SNAP, DTA should calculate the 20% earnings deduction off the higher $2,100 gross income amount to give John a $420/month earned income deduction. In calculating John’s preliminary net income, DTA should subtract both the $500 child support and $420 earned income deduction.

Proof of child support payments

There are two factors you need to verify to get this deduction— the amount you pay and your legal obligation to make child support payments.

- The amount you pay can be verified with cancelled checks, pay stubs, Unemployment withholding statements, a statement from the custodial parent proving you make payments or proof from the Department of Revenue (DOR) if they are garnishing your wages. If a portion of your unemployment benefits are withheld, get a statement from the Department of Unemployment Assistance.

- Your legal obligation to pay the child support can be verified through a court or administrative order, divorce decree, separation order or other legal document that shows your legal obligation. 106 C.M.R. §§361.610(J), 364.400(E).

In some situations one verification can prove both factors. For example, a “lockbox bill” or other verification from DOR may be acceptable proof of both things. If your Social Security benefits (RSDI) are garnished in order to pay for child support, a letter from the Social Security Administration stating the garnishment is for child support payments is proof of legal obligation and amount.

DTA Online Guide Sections: SNAP > Expenses and Deductions > Child Support Expenses > Child Support Expenses Deduction
83 What is the child care/dependent care deduction?

Families can claim the cost of care for either minor children or a disabled adult member while the household member is working, attending education or training programs, or looking for work. 106 C.M.R. §364.400(D).

Dependent care includes the cost for supervision of teenage children (under age 18), as well as care of a child or disabled adult not part of your SNAP household (for example, a foster child or non-citizen child).

Dependent care costs include:

- private day care arrangements with caregivers not part of your SNAP household (e.g. older children);
- co-payments or fees for subsidized child care;
- payments for “attendant care,” PCAs and/or co-payments for adult day care provided for elder or disabled adults;
- fees for after-school, before-school and vacation care including adult supervised before and after-school activities for teenagers, YMCA and YWCA camps, Boys and Girls Clubs, summer camp fees; and
- transportation to and from the program sites at the federal mileage rate (57.5 cents as of January 2020) or the cost of public transportation. You can call DTA to verbally report your car transportation costs.

You can self-declare your dependent care costs. See Question 13.

Dependent care for disabled/elder adults

If you need to pay for care for a disabled adult – such as an elderly parent or disabled adult child – so that you can go to work or training or look for work, you can claim this as a dependent care cost. 106 C.M.R. §364.400(D).

If a disabled member of your household pays for adult care for his or her own reasons (unrelated to you going to work), DTA will treat these costs as medical expenses of the disabled individual, not dependent care expenses. 106 C.M.R. §364.400(C)(12). See Question 80. Either way, adult dependent care of a person with disabilities is a deductible expense.
Part 3 ▪ Financial Eligibility

Advocacy Reminder:

✓ You do not need to wait until your next Interim Report or Recertification to claim new or increased dependent care expenses. If you incur any dependent care costs you did not previously report to DTA, notify DTA immediately.

DTA Online Guide Sections: SNAP > Expenses and Deductions > Dependent Care Expenses > Dependent Care Expense Deduction

Additional Guidance:

● Dependent care costs for an ineligible non-citizen child can still be claimed by working adult. Transitions Hotline Q&A (Feb. 2009)
● Rep payee administrative fees for SSI/RSDI recipients living in group homes should be treated as dependent care expenses. Transitions FYI (Sept. 2006).

84 What is the Standard Utility Allowance and what is Heat and Eat?

The standard utility allowance (SUA) is a fixed dollar amount for a household’s heating and utility expenses used in the calculation of shelter expenses for SNAP benefits. 106 C.M.R. §§364.400(G)(2), 364.945. The dollar value of the SUA applies statewide and is not tied to what you actually pay in monthly oil, gas, electricity or other utilities. It is an annualized amount to help simplify the calculations.

Note: In 2019 the Trump Administration proposed a rule change that would affect utility expenses, in particular, the value of the heating/cooling SUA. As of January 2020, no rules have changed. Contact MLRI for more information.

There are three different SUA amounts and the amounts are periodically adjusted by DTA with USDA approval:

➢ Heating (or air conditioning) SUA – currently $646. This is used for households that incur heating or air conditioning costs separately from their rent. This includes public or subsidized housing tenants if your housing authority charges you for heat, or charges you for summer time use of an air conditioner (either excess electricity or a usage or maintenance fee). You also get this SUA if you receive or have received Fuel Assistance (also called Low Income Home Energy Assistance Act or LIHEAP payments) in the last 12 months -even if your heat is included with your rent.
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Often LIHEAP will provide a partial rent subsidy if rent exceeds 30% of net income.

- **Non-heating SUA – currently $396.** This is used for households that incur utility expenses but not heating or air conditioning costs. Utility expenses can include electricity (non-heating), cooking gas, garbage collection, and water and sewer fees passed onto tenants.

- **Telephone-only SUA – currently $45.** This is used for households that incur only telephone costs (cell phone or landline, but not phone cards) and do not pay any of the other utilities listed above.

It is important that you tell DTA if you incur heating costs, AC costs during the summer (even if your heat is included), or you get regular Fuel Assistance benefits for either utilities or toward part of high rent costs. The application and recertification paperwork have questions about utility expenses. Make sure to fill out this information accurately.

You also get the full SUA even if you live with another household and pay only part of the utilities. [106 C.M.R. §364.410(B)(2)].

**The “Heat and Eat” Fuel Assistance Program**

DTA and the Department of Housing and Community Development (DHCD) have a special “Heat and Eat” Fuel Assistance program, or H-EAT.

The H-EAT program was created because many seniors and persons with disabilities often underreport their AC/cooling costs, or do not realize they can claim utility costs when sharing utilities with other households.

**How Heat and Eat works**

DTA identifies SNAP households not getting the full “heating/cooling standard utility allowance” (SUA) and then exchanges a data file with DHCD to confirm if any of these SNAP households received regular Fuel Assistance in the past 12 months. If not, DTA provides the SNAP household with a $21 H-EAT Fuel Assistance payment.

This H-EAT payment is put on your EBT card once every 12 months. You can use this money to buy supplies such as light bulbs, flashlights, or blankets. If the H-EAT payment increases your SNAP you will get a notice from DTA. DTA should automatically issue another $21 H-EAT payment annually if you are eligible for this special payment.
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SNAP households who do not receive the H-EAT payment are:

- Bay State CAP (SSI) households,
- homeless households (who get a special $152 homeless income deduction), and
- households already identified has having separate heating or cooling costs, or getting maximum SNAP.

Advocacy Reminders:

- If your SNAP benefits do not include a Heating/Cooling SUA and you are not on Bay State CAP or homeless, call the DTA Ombuds office or Legal Services.
- If you have zero rental expenses (for example, you are caretaking a house or living rent free off-season) but you are responsible for heat or other utilities, you should get the standard utility deduction (SUA) even if you have zero rent. Contact an advocate if denied a SUA.

DTA Online Guide Sections: SNAP > Expenses and Deductions > Household Expenses > Shelter Expenses > Shelter Expenses Deduction

SNAP > Expenses and Deductions > Household Expenses > Heat and Eat (H Eat) > Heat and EAT
What is the shelter deduction and is it calculated?

The SNAP rules allow you to deduct shelter expenses that exceed half of your net income, but not a dollar for dollar deduction of shelter costs. This is called the “shelter deduction.” 106 C.M.R. § 364.400(G).

Example: Rita’s total shelter expenses are $1,346/month: $700 rent and the $646 heating/cooling standard utility allowance. She pays oil heat, electricity, phone, internet. Her gross earnings are $1,500/month and her net income (after pre-shelter allowable deductions) is $1,030 per month. DTA will calculate Rita’s SNAP using the $569 capped shelter deduction, even though her shelter expenses above half of her net income are higher than that.

The SNAP shelter deduction is complicated but important. After Section 8 and public housing, it is the biggest source of federal assistance to low-income households based on their housing needs.

Remember, shelter costs may be self-declared by the household unless questionable. See Question 13.

Two shelter deductions:

- The shelter deduction is capped at $569 per month for households that do not include an elder, disabled adult or disabled child, regardless of how high the shelter costs are.

- If the household includes at least one person who is elderly (age 60+) or is disabled, there is no limit or cap on the shelter costs that exceed 50% of net income.

Shelter costs that can be claimed

- monthly rent paid that you pay or owe, including the amount you are responsible for if you sublet or share an apartment. If you have a rent subsidy, only the amount of rent you pay should be reported;

- mortgage fees, including payments on the principal, interest, legal fees, home improvement loans (even if you are behind in payments) and condo fees. If you pay mortgage quarterly or semi-annually, list your monthly average;
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- property taxes and homeowner insurance (even if you have no mortgage);
- trailer payments and parking fees;
- repair costs on your home or condo needed as a result of a fire, flood, severe storms or other natural disaster and not reimbursed by insurance (e.g. a new boiler, new roof, replacement of windows, etc.);
- shelter expenses for a home not occupied by you if you are planning to return to it, not renting it and had to leave because of employment and training away from home, illness or a natural disaster; and
- the appropriate standard utility allowance (SUA) for your household. See Question 82. Actual utility costs and heating costs are not allowed as they are covered under the SUA.

SNAP rules on shelter costs: 106 C.M.R. §364.400(G)(1)

How shelter costs are calculated

Step 1: Calculate your preliminary net income – gross monthly income after subtracting the earned income deduction, standard deduction, any dependent care, child support payments, and allowable medical costs.

Step 2: Calculate the shelter deduction by adding your non-utility shelter costs (rent, mortgage) to your standard utility allowance (SUA).

Step 3: Divide your preliminary net income in half.

Step 4: Subtract the result in Step 3 from the result in Step 2. The result is your excess shelter cost. If the answer is zero or less, you do not get a shelter deduction. If the answer is more than $569, you can deduct only $569 unless the household includes an elderly or disabled person.

Example: Carl works party time and earns $1,500 per month. He lives with his wife Cindy and their child. The family pays $800 per month in rent, and pays for heat and utilities. Here’s how DTA calculates Carl’s shelter costs to determine his net income:
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$1,500  Carl’s Gross earned income  
- 300  20% earnings deduction from gross  
- 167  Standard deduction for household of 3  
$ 1,033  Preliminary net income

Shelter deduction calculation

$ 800  Rent  
+ 646  SUA  
$1,446  Shelter expenses  
- 516  One-half prelim net income (1/2 of $1,033)  
$ 930  Shelter expense > half net income

- 569  Maximum shelter deduction (capped)  
$ 464  NET INCOME for Carl’s family (preliminary net income minus max shelter deduction)

DTA Online Guide Sections: SNAP > Expenses and Deductions > Household Expenses > Shelter Expenses > Shelter Expenses Deduction

Additional Guidance:

● Mortgage or rent payments still included as shelter costs even if household is in arrears and cannot make payments, but household cannot claim arrearage payment for back rent/mortgage if previously deducted while getting SNAP. Transitions Hotline Q&A (Feb. 2010)

● Rent or utilities paid in advance may be deducted in the month when they would have been due. USDA Food Stamp Program Regional 04-05 (Northeast Region)

● Only the mortgage amount billed is countable, even if household pays the bank more than monthly mortgage. Transitions Hotline Q&A (October 2000).
What is the homeless deduction?

If you stay in a homeless shelter, temporarily in the home of another (“couch surfing”), or live on the street, your SNAP benefits should be calculated with the **standard homeless deduction** (currently $152 per month).

This standard deduction recognizes the basic living of doing laundry, phone calls, locker fees, and other items. **106 C.M.R. §364.400(F)**. You do not need to verify these expenses. If you get the homeless deduction, you do not get any other shelter deductions off your income.

It is important that the DTA worker code your SNAP case as “homeless” so you get this deduction. DTA considers you “homeless” if you lack a regular nighttime residence, including if you are staying in a shelter or have other accommodations that are temporary (e.g. less than 90 days). See **106 C.M.R. §360.030** for the definition of homeless.

**Example:** Paul is a homeless veteran who receives $500 per month in Veterans’ benefits. Sometimes he stays at Pine Street Inn, a shelter for adult individuals, and sometimes he sleeps on the street. Paul gets the $167 standard deduction and the $152 homeless deduction. His net monthly income for SNAP is $181, of which 30% is deducted from a SNAP allotment of $194.

**Advocacy Reminders:**

- **If you are homeless and temporarily staying in a house or apartment where you pay for rent or utilities, you can get either the $152 homeless shelter deduction or the excess shelter deduction (based on your rent plus the applicable SUA), whichever is higher.**

**DTA Online Guide Sections:** SNAP > Expenses and Deductions > Household Expenses > Homeless Households > Shelter Deduction for Homeless Households
How much will I get in SNAP benefits each month?

These are the maximum SNAP benefits by household size:

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<th>Household Size</th>
<th>Max SNAP Benefit</th>
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<td>$921</td>
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106 C.M.R. §§364.600, 364.980. See also Appendix B, Chart 4.

If you have countable net income, multiply your net monthly income by 0.3 (30 percent). Round up this amount to the nearest dollar. Take this amount and subtract it from the maximum benefit level for a household of your size. The result is the amount of your monthly benefits.

Example: Sam and his family have $1,000 in net income after allowable income and shelter deductions. To determine the family’s SNAP benefits, take 30% of the “net income” (30% of $1,000) and subtract it from the maximum benefit, as follows:
First month of benefits

When you first apply, your initial benefit amount is based on the number of days from when you applied and the days left in your “SNAP month.” DTA “pro-rates” your first month of benefits. 106 C.M.R. §364.650. For example, if you apply halfway through your SNAP month, you will get 50 percent of the monthly benefit.

If you do not get all the mandatory documents to DTA within 30 days from applying and DTA decides the delay was your fault, DTA will pro-rate your SNAP. Your benefits will start from the day they got everything they needed. You can challenge this, especially if you think DTA caused the delay. See Question 21.

“$0 Benefit” Households

Some SNAP households get very confusing DTA notices when they are under the gross income limits but qualify for $0 in SNAP benefits. The DTA notices say:

“Because your countable income is over the limit for your household size, you are not eligible for SNAP benefits at this time. We will keep your case open until DATE in case there is a change in your household's circumstances that qualifies you for benefits.”

This happens to households of 3 or more persons with income below 200% poverty level, where 30% of the household’s net income is greater than the maximum benefit amount. 106 C.M.R. §§364.600(A), 365.180(G)(3). If you report any changes during your certification period that make you eligible, you do not need to file a new SNAP application and have an interview. You only have to verify the change (eg. the drop in income, increased expense, a new baby or other household member) that makes you now SNAP eligible.

<table>
<thead>
<tr>
<th>$1,000</th>
<th>Net Income for Sam’s family</th>
</tr>
</thead>
<tbody>
<tr>
<td>x 30</td>
<td>(Multiply by 30%)</td>
</tr>
<tr>
<td>$ 300</td>
<td>Countable Income</td>
</tr>
<tr>
<td>$ 509</td>
<td>Maximum SNAP for 3 persons</td>
</tr>
<tr>
<td>-300</td>
<td>Countable income</td>
</tr>
<tr>
<td>$ 209</td>
<td>Monthly SNAP benefits for Sam’s family</td>
</tr>
</tbody>
</table>
When will I get my SNAP benefits?

Your SNAP benefits are put in your EBT account on the same day each month, based on the last digit of your Social Security Number.

<table>
<thead>
<tr>
<th>Last Digit of SSN</th>
<th>Benefit Deposit Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>-0</td>
<td>1</td>
</tr>
<tr>
<td>-1</td>
<td>2</td>
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<td>-2</td>
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<td>-8</td>
<td>13</td>
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<tr>
<td>-9</td>
<td>14</td>
</tr>
</tbody>
</table>

The last digit of your SSN is also how DTA determines your “SNAP month” (also called your cyclical month) for issuing your first amount of benefits. Your “SNAP month” runs from the day your benefits are deposited to the day before the next month’s benefits will be issued to you.

Example: If your SSN ends in 5, your benefits are deposited on the 8th of the month, and your SNAP month is from March 8th through April 7th.
89 Why do some households get only $16 in SNAP each month?

Federal and state SNAP law allows all 1 and 2 person households under the gross income test to get a minimum benefit. This rule does not apply to households of 3 persons or more. 106 C.M.R. §364.600(A).

If you only get $16/month – it is a good idea to get a “SNAP math check-up” to be sure you are getting all the deductions you qualify for. Many 1 and 2 person elder and disabled households often do not claim all their out-of-pocket medical expenses.

Example: Tom and Emily Smith are an elderly couple who receive Social Security for a total of $2,050/month unearned income. The Smith’s pay shelter cost of $1,000 per month plus heat and utilities. The couple has not claimed any medical expenses and receives just $20/month in SNAP as a “minimum” benefit. If the Smiths verified medical expenses of at least $36/month, their SNAP would increase to $71/month. If they verified over $190/month, their SNAP would increase even more.

90 What is an EBT card, how do I use SNAP benefits, and where can I shop?

SNAP benefits are kept in an electronic benefits transfer (EBT) account for you to use at any grocery or convenience store that is a USDA-approved EBT vendor. 106 C.M.R. §§364.900, 364.910.

Getting an EBT card and PIN

Unless you apply in person, the EBT card is usually mailed to you. There are no benefits on your EBT card until your case is approved.

DTA should make sure you have an EBT card in hand by the day your case is approved – either by 7 days from the date of your application, if you are eligible for expedited SNAP, or by 30 days from the date of your application.
Part 4 • Getting and Using SNAP Benefits

Important EBT card tips:

■ You will get two envelopes – one with the EBT card and another with the PIN. DTA will automatically assign you a PIN. You can change your PIN any time by calling the Massachusetts EBT Customer Service number: 1-800-997-2555.

■ Choose a PIN that is easy for you to remember but hard for other people to guess. Never share or write your PIN on your card.

■ Look for the Quest mark on the door or window of the store, or a sign that says the store accepts EBT.

■ Before you shop, check how much SNAP benefits are in your account through DTA Connect, or call Massachusetts EBT Customer Service at 800-997-2555 for your balance.

■ At check-out, swipe your card and enter your secret PIN on the number pad and then press enter. The cashier should NOT look at your name or any photo on the card. The PIN is your signature. See Question 33 regarding Photo EBT.

■ Tell the clerk how much SNAP you want to use to pay for your food, or enter the amount yourself. If there is not enough EBT on your card, the clerk should tell you how much additional cash you need to pay.

■ Always check your receipt to be sure that the amount on the EBT receipt is the same as the grocery receipt.

■ Your EBT card does not expire, even if your SNAP case closes because you are no longer eligible. You can still use any SNAP benefits left on your card after your case closes, and use the same card if you reapply in the future. See Question 93.

■ If you reapply and don’t have your card any more or your card is defective (for example, the magnetic strip does not work), DTA should issue you a new EBT card. DTA should not charge you a card replacement fee if you have been off of SNAP benefits for over a year or you meet other fee exception rules. See Question 95.

Where to get help with your EBT card:

Call Massachusetts EBT customer service at 1-800-997-2555 when:
Part 4 ▪ Getting and Using SNAP Benefits

- you have questions or problems using your card or secret PIN,
- your EBT card is lost or stolen or does not work (report this right away and DTA will replace the card),
- you want to find out your SNAP account balance, or
- who want to find out where you can use your card.

There is no limit on the number of times per month you can use your EBT card to buy food as long as you have benefits on the card. There is no charge or fee when you use your EBT card to buy food. If you lose your EBT card, see Question 95.

Where to use your SNAP on your EBT card

You can use your SNAP to buy food at all stores that accept EBT including large and small grocery stories, convenience stores. See Question 91 about the Healthy Incentives Program (HIP) at farmers markets, CSAs and other locations. You do not need to have a stove or other cooking facilities to get SNAP benefits. You can also buy seeds and vegetable or fruit plants to grow your own food.

You cannot buy the following items with SNAP:

- Hot prepared foods to be eaten on the store premises or immediately (such as rotisserie chickens) or restaurant food,
- Non-food items such as pet food or vitamins, and
- Paper goods, cleaning supplies, and similar items.

SNAP rules on food purchase restrictions: 106 C.M.R. §360.100.

Prepared meals

You are allowed to donate some of your SNAP benefit for prepared hot meals at certain locations including domestic violence and homeless shelters, congregate meal sites for elders or home-delivered meals for seniors. However, the agencies can only accept voluntary EBT donations and should not accept more than $2/meal. It also depends on whether the agency serving the meals is an approved EBT vendor (with equipment to accept SNAP). 106 C.M.R. §360.120.

Overcharges/mistakes by EBT grocers

Sometimes the store will make a mistake by overcharging your EBT account, even though you did not get all of your groceries. If this happens,
Part 4 ▪ Getting and Using SNAP Benefits

the store must file a “merchant mis-dispense claim” with DTA. It may take several days or weeks for you to get your SNAP benefits credited back to your account.

You may be able to get your benefits back sooner if you can get the store to contact DTA directly to verify the mistake. Call the EBT Customer Service line for immediate help: 800-997-2555.

Advocacy Reminder:

- Even though you cannot use SNAP for vitamins or medications, you may be able to boost your SNAP by claiming these costs as a medical expense if you are a senior (60+) or person with disabilities. See Question 80.

DTA Online Guide: SNAP > Application Processing > SNAP Application Processing > Issuing An EBT Card

91 What is the Healthy Incentives Program (HIP) at farmers markets?

Massachusetts’ Healthy Incentives Program or “HIP” into help SNAP recipients buy fresh local fruits and vegetables from participating Massachusetts farmers. HIP is a state-funded additional nutrition benefit and is available on a seasonal basis depending on the amount of state appropriations.

HIP matches SNAP recipients’ purchases of local fruits and vegetables at farmers markets, farm stands, mobile markets and CSA (community sustained agriculture) farm share programs. HIP helps thousands of families afford fresh, healthy, local food.

How HIP works

If you make purchases of fresh fruits and vegetables with participating farmers (HIP retailers), you get $1 for $1 of SNAP benefits right back on your EBT card, up to the amount listed below:

- $40/month for households of 1-2 people
- $60/month for households of 3-5;
- and $80/month for households of 6 or more
Even if you receive only $16 in monthly SNAP benefits as a 1 or 2 person household, you can still get $40/month in HIP benefits.

**Example:** You spend $10 on vegetables, you immediately get $10 back in SNAP. If then spend $20 with an eligible farmer, you get another $20. You can spend SNAP with HIP retailers as often as you want until you’ve earned the full amount of monthly HIP.

For more information about HIP and a list of participating farmers markets, farm stands, mobile markets and CSAs:

- Call Project Bread’s FoodSource Hotline at **1-800-645-8333**.
- Email [DTA.HIP@state.ma.us](mailto:DTA.HIP@state.ma.us)

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**Can I use my EBT benefits out of state?**

You have a right to use your SNAP in all 50 states. SNAP is a federal program that is “interoperable” between states. [7 C.F.R. §274.8(b)(10)](https://www.ecfr.gov/cgi-bin/text-idx?SID=f864c24530f2889d0d358f7949397a93&mc=true&node=se7 CFR274.8--274.9&rgn=div3).

Many SNAP recipients live near and shop in border states – such as New Hampshire, Connecticut, Rhode Island and New York. Often some of the large grocery stores are closer and/or cheaper.

If you are temporarily visiting family and friends, you can also use your SNAP benefits while out of state. DTA should not assume you have abandoned your MA residency or threaten to close your SNAP case solely because you are shopping out of state.

Contrary to federal SNAP rules, DTA has a policy of requiring Simplified Reporting and Bay State Cap households to re-prove MA residency when they shop out of state. [7 CFR 273.12(c)(3)](https://www.ecfr.gov/cgi-bin/text-idx?SID=f864c24530f2889d0d358f7949397a93&mc=true&node=se7 CFR273.12--273.16&rgn=div3). Contact MLRI if you lost SNAP because DTA asked you to re-prove your residency when you were temporarily out of state.
If I forget to use my EBT card, does my case close or will I lose benefits?

You do not need to use your SNAP benefits every month to qualify. Your SNAP benefits do not expire at the end of each month. If your SNAP case is closed for some reason, you still have the right to use any remaining benefits in your EBT account before the case closed.

DTA may contact you if your SNAP balance seems too high or you have not used your EBT card for a long time. DTA does track SNAP cases where the EBT benefits have not been used for a number of months. Some households, especially those who get the $16 minimum benefit, often save up SNAP for a big shop. That’s okay! Sometimes the SNAP EBT balances are high if DTA made an error and issued you a retroactive payment or you won an appeal. You are not required to spend retroactive payments right away!

However, DTA will remove EBT benefits (“expunge”) from your account if you have not used your benefits for 365 consecutive days. 106 C.M.R. §364.900(E). DTA must send you a letter before they take any action to remove benefits. Once expunged, you cannot get those benefits back.

Getting help to use your EBT card

If the reason you have not used your EBT card is because you lost your EBT card or forgot your PIN, you can get a new card or PIN. See Question 95. A high EBT balance or idle EBT account is not a sign of fraud!

Advocacy Reminders:

✓ If you have problems with accessing your SNAP benefits—for example, if the store’s machine tells you the wrong amount of benefits available—call EBT Customer Service at 1-800-997-2555. Contact an advocate if your problems are not fixed.

✓ If you need a ride to the grocery store, your local Councils on Aging may be able to arrange a ride.

✓ If you need someone to help food shop for you, you can appoint a trusted neighbor, family member or friend to become an “authorized representative” to get a second EBT card. See Question 7.

DTA Online Guide: Cross Programs > EBT > Unaccessed EBT Benefits
What if I was getting SNAP in another state or DTA says I am part of another SNAP household?

SNAP in other states

You cannot get SNAP in two states at the same time. This is called “duplicate participation,” which is a serious offense. 7 C.F.R. §273.3(a). If you learn you are listed as a member of a SNAP case in another state, and you are not living with that household report it to DTA.

If you were getting SNAP in a different state and you move to Massachusetts, make sure you tell the state you left to close your case. If you have proof your SNAP was closed in the other state (such as a notice), give that proof to DTA. When you tell DTA you left another state, they may ask you for a notice or other proof of termination of your SNAP benefits in that state. This proof can be very difficult or impossible to get. If you need help, DTA should do a “collateral contact” with the other state to verify that your benefits are closed.

DTA should approve your SNAP for a date that does not overlap with when you last got SNAP in the other state.

Example: Maria moves to Massachusetts from Maine in August. She asks Maine to close her SNAP. Maine closes her SNAP effective September 1. She applies for SNAP in Massachusetts on August 15. DTA calls Maine to confirm that her case was closed, and approves her SNAP going back to September 1. DTA cannot approve her case going back to August 15 because of the duplicate issuance rules.

Your SNAP in Massachusetts should not be delayed because you cannot get proof from the other state and the other state is not responsive to DTA. DTA should make the request to the other state and then approve your case.

DTA routinely gets information from other states to check that SNAP households are not getting SNAP in multiple states. It is important to tell DTA if you were getting SNAP in another state, especially if you need help closing your case in the other state. If DTA does not help you and/or your
Part 4 • Getting and Using SNAP Benefits

SNAP in Massachusetts is delayed because of issues with your SNAP case in another state, contact MLRI.

**If you move out of a household and need your own SNAP**

In general, DTA cannot issue duplicate benefits. That means DTA needs to remove you from the SNAP case you were on if when you apply for your own SNAP. If you were living in a household where someone was getting SNAP for you, and you leave the household, ask the household to report to DTA that you have left. If that is not an option (for example, because you left a dangerous situation or are not on good terms with the family you left) DTA should accept your proof of where you are living now, remove you from the SNAP household you are no longer a part of, and approve your own SNAP benefits.

If you moved because of a domestic violence situation, DTA should never ask you to get proof from the state or household you fled. Contact a DTA Domestic Violence specialist for help. See Question 32.

As of the writing of this Guide, DTA does not have clear guidance on how SNAP workers should handle many types of duplicate issuance cases. Contact an MLRI if DTA refuses to give you SNAP or delays your SNAP because of a “duplicate issuance” issue.

**DTA Online Guide:** SNAP > Benefit Eff. Dates from Other States > Benefit Eff Dates from Other States

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95 **What if I do not have an EBT card or my card is lost or stolen?**

To report a lost or stolen EBT card, call the Massachusetts EBT Customer Service at **1-800-997-2555**. DTA will replace your card, but DTA will not replace any SNAP benefits that are stolen from your account. **106 C.M.R. §364.900 (D)**. Someone who steals your card can only use your SNAP if they know the PIN. Do not write your PIN on the card and keep it a secret! Once you report a lost or stolen card you can get a new PIN.

You can also call the DTA Assistance Line at 1-877-382-2363 and follow the prompts to ask for a replacement EBT card.

If you ask for a new card by phone, it can take 7-10 days to show up in the mail. You can also go directly to your local DTA office to pick up a new
Part 4 • Getting and Using SNAP Benefits

card that day. Any DTA office can issue you a replacement EBT card. Your old card will become deactivated and the value of your SNAP benefits will be transferred to the new EBT card.

**DTA surcharge on EBT replacement cards**

If you get cash or SNAP benefits and you lose your EBT card, DTA may charge $5.00 for replacement of the EBT card depending on the situation. DTA will deduct the $5.00 from your cash or SNAP benefits in your EBT account (you do not pay DTA directly).

DTA should *not charge the $5 fee* for a replacement EBT card if:

- the EBT card was lost in the mail and you never used the EBT card that was sent to you,
- the EBT card did not work correctly (e.g. the magnetic strip failed),
- you are a victim of domestic violence,
- your SNAP/cash case was closed for more than 30 days and you reapplied,
- you need a disability accommodation,
- your name or SSN changed,
- you become exempt from the photo EBT rule and request a replacement card without a photo (see Question 33), or
- you meet other good cause exceptions.

**When you need to meet with DTA to get EBT replacement card**

Under DTA procedures, SNAP and cash (TAFDC or EAEDC) recipients that have received more than four replacement EBT cards within twelve months are now required to speak with a DTA worker to talk about the reasons for multiple requests and how the EBT card works.

Some clients who request more than four replacement cards within 12 months will be told they have to have an in-person appointment with a case manager or a fraud investigator. If this happens and it is a hardship for you, contact a Supervisor, the DTA Ombuds, or an advocate.

No request for a replacement EBT card can be denied if the person is otherwise eligible. Some EBT recipients may be confused about the card
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and how it works due to a disability, or an abusive partner or third party is taking the EBT card. If you are in this situation, contact Legal Services.

DTA Online Guide Sections: Cross Programs > EBT > EBT Card Fees, Replacements and Notices


96 What if I lose food due to a power outage, fire or a disaster?

Disaster SNAP Benefits

When the President of the United States or the Food and Nutrition Service declares a major disaster, families and individuals who live in the disaster area may be eligible for SNAP benefits as long as they meet special (higher) income limits. See Appendix B, Chart 5. 106 C.M.R. §§366.600-366.620. These emergency SNAP benefits are called Disaster SNAP, or D-SNAP. The special benefits are provided to families who are not SNAP recipients at the time.

To receive D-SNAP, the only proof required is proof of your identity (who you are). Other proofs may be requested, but are not mandatory. You do not need to be eligible for or receiving SNAP already to qualify.

If you are already getting benefits and you lose food due to a federally declared disaster, you may also be eligible to receive additional SNAP benefits. Normally the federal government will provide second SNAP payment of benefits because of the disaster. 106 C.M.R. §366.620.

Replacement SNAP Benefits

DTA can also give help you replace food lost due to a fire, flood or power outage - food that you bought with your SNAP benefits. If your food was destroyed or became unsafe to eat because of lack of refrigeration you can ask for replacement SNAP benefits. If the loss is due to a power outage, the outage must have lasted for 4 hours or more. You may get up to the amount of one month’s SNAP benefits. 106 C.M.R. §364.900(C).

You need to report the loss of food to DTA within 10 days of when the food was destroyed or you threw it out. You can do this verbally or in
Part 4 • Getting and Using SNAP Benefits

writing. Within the next 10 days, you also need to sign a sworn statement about the destruction of the food purchased with SNAP. See DTA “Request for Replacement SNAP Benefits Due to Household Disaster or Misfortune” form in Appendix C.

DTA may get information on the outage through the Massachusetts Emergency Management Agency (MEMA) or may make a “collateral contact” to verify the power loss or misfortune that caused the loss of food. For example, DTA may contact the Red Cross, fire department, power company, or landlord. DTA is responsible for helping verifying your report.

More information

- MLRI’s “Know Your Rights” flier on SNAP & Household Misfortune: Masslegalservices.org/SNAP-Replacement-Benefits-Household-Misfortune

DTA Online Guide Sections: SNAP > Household Misfortune > Household Misfortune Procedures

97 What if DTA makes a mistake and owes me money?

If DTA gives you less SNAP benefits than you are supposed to get, the mistake is called an underpayment or “under-issuance.” You might get underpaid because DTA fails to act on information you gave them, such as:

- You report a drop in your income, the addition of a new member to your household, or higher shelter costs that reduce your countable income, or
- You are entitled to higher deductions because you report a disability or turn age 60, or
Part 4 ▪ Getting and Using SNAP Benefits

- The Social Security Administration took your SNAP application and made an error in the information it gave DTA.

DTA must correct any under-issuance that happened during the 12 months before DTA first discovered or was told about the mistake. 106 C.M.R. § 366.520. You can get back SNAP benefits even if you are not on benefits anymore. 106 C.M.R. §§366.500, 366.570. For example, if you or an advocate discover a mistake after your benefits have ended, you can still ask DTA for the underpaid benefits.

Example: Martha Jones reported her change of address in July including paying higher rent. DTA never acted on the information. Martha’s case closed in December but she would have received $75 more per month in SNAP benefits from August through December. DTA owes her $375 in retroactive SNAP.

If you are owed back SNAP benefits, you can take the following steps:

- Send a letter to DTA requesting an underpayment correction (keep a copy of this letter).

- Call the DTA Assistance Line at 877-382-2363 and ask a DTA worker about your request for an underpayment.

If DTA approves your request for an underpayment, they will issue you the underpayment as a “related benefit.” The SNAP regulations require DTA to tell you the amount of the underpayment they will be giving you, how they calculated the amount (including any amounts DTA keeps to offset benefits you may owe), and your right to an appeal. 106 C.M.R. § 366.530. DTA notices issuing an underpayment are called a “Related Benefit Notice” and do not include this level of information. You should call the DTA Assistance Line to ask for this information.

If DTA denies your request for an underpayment, they must send you a written notice. If they do not send you a written notice, you can ask for one.

You have a right to appeal any denial of a correction of an underpayment as well as appeal the amount DTA pays you. You have 90 days from the date of the underpayment denial notice from DTA to appeal. 106 C.M.R. §366.530, 106 C.M.R. §367.100. See Question 107.

DTA can offset any overpayments on your case with the amount of an underpayment. DTA cannot offset an overpayment with a related benefit that is applied to your case as a result of a change you report (for example, a supplemental payment for the current month). They can only offset an overpayment with SNAP that is issued to correct a past under issuance. If
Part 4 ▪ Getting and Using SNAP Benefits

DTA takes a related SNAP benefit and applies it towards an overpayment, contact MLRI.

DTA Online Guide Sections: SNAP > Case Maintenance > Related Benefit
Part 5
Proving Continuing Eligibility

98 What changes do I need to report to DTA?

When you are approved for SNAP, you are “certified” for a set amount of time. This is called your certification period. You will need to complete reevaluations (Interim Reports and/or Recertifications) in order to maintain eligibility for SNAP.

After SNAP is approved, you should get a notice telling you what your reporting rules are, how long your certification period is, and what kind of certification type you have. There are 3 types of certification types with different reporting and reevaluation requirements. See the chart below.

Your SNAP reporting requirements should be on your most recent SNAP approval notice. However, sometimes DTA notices are not clear about reporting requirements. You can also call DTA to ask what your reporting rules are.

Bay State Cap reporting rules are not covered in this section. See Question 4 for more information about Bay State Cap.
### Part 5 ▪ Proving Continuing Eligibility

#### SNAP certification types

<table>
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<tr>
<th>Certification Type</th>
<th>Which households?</th>
<th>What do I have to report and when?</th>
</tr>
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</table>
| **EDSAP:**                       | Households where all adults are either age 60+ or disabled and have no earned income (can include with children under 18) | Recertification at 36 months. No Interim Reports.  
  Also required to report if:  
  - someone joins or leaves the households  
  - anyone in the household starts a job (has earnings) |
| **36 Month Certification Period**|                                                                                  |                                                                                                   |
| **Simplified Reporting:**        | All other households including families with children, non-elder/disabled members, working members, ABAWDs, students, etc | Interim Report at 6 months and Recertification at 12 months.  
  Also required to report if:  
  - Gross income exceeds 200% FPL for the household size, unless household includes senior or person with disability (no reporting requirements for households with senior or person with a disability).  
  - If an ABAWD, must also report if meeting the rules through work and work hours drop below 20 per week. |
| **12 Month Certification Period**|                                                                                  |                                                                                                   |
| **Change Reporting:**            | Public Assistance cases – all members receive TAFDC, EAEDC, or SSI cash benefits. | Recertification at 12 months.  
  Also required to report a number of changes to household circumstances. |
| **12 Month Cert. Period**        |                                                                                  |                                                                                                   |
What is Simplified Reporting and when must I report changes to DTA?

The majority of SNAP households are on “Simplified Reporting”. This means you do not have to report to DTA any changes most of the time. You do have to complete a DTA Interim Report (after 6 months) or a Recertification (after 12 months). There are also times when you DO need to tell DTA about a change in between your reporting periods. The rules vary for different types of households.

**Households without members age 60+ or disabled:**

You only need to tell DTA when your household’s gross income goes over the monthly gross income limit for your household size. 106 C.M.R. § 366.110(C)(3). This includes if someone moves into your household with income that puts your household’s income goes over the limit.

Be sure to tell DTA by the 10th day of the month following the month your income went over the gross income limit. The gross income limit for your household should be listed on your approval notice. See Gross Income Chart in Appendix B.

**Example:** Selina is a single mom with one child on simplified reporting. Her SNAP was approved in January, so her Interim Report is due in June. Selina starts a second part time job in March earning $200/week. Her total monthly gross income from both jobs is below 200% FPL for her household. She does not need to report the second job until her Interim Report. However, in April Selina works more shifts and her gross income goes above 200% FPL. She needs to tell DTA by May 10th about this increase in income.

**Households with members age 60+ and/or disabled**

You only need to report changes when you fill out your Interim Report and Recertification form. You do not need to tell DTA about any changes in between these forms.

Reporting rules are different for some households where all members are seniors or persons with disabilities. See Question 101 about “EDSAP.”
Part 5  ■ Proving Continuing Eligibility

ABAWD households

If you are an ABAWD and you are meeting the ABAWD work rules by working 20 hours per week, you need to follow the reporting rules above as well as tell DTA if your hours drop below 20 hours per week.

Example: Carla is an ABAWD and works 20 hours per week at a restaurant. Two months after she starts getting SNAP, her boss takes away one of her shifts and her hours go down to 13 per week. She must tell DTA within 10 days of the decrease in her hours.

When to report other changes to DTA

You are not required to report other changes, but you may want to report some changes if it will help boost your SNAP. For example, you may choose to report to DTA when:

- Your income goes down,
- Your housing costs go up,
- Someone without income moves into your home or you have a baby,
- Your dependent care or medical costs go up, or
- You start paying child support.

DTA is required to act on the information you report and increase your SNAP benefits if you are eligible for more. 106 C.M.R. § 366.110(C)(5)(a)(2).

Example: Suzyn and her 3 kids are on Simplified Reporting. Her employer reduces her hours. If Suzyn choses to report and verify the drop in earnings, DTA will recalculate and increase her SNAP benefits. Unless her income goes over the Gross Income level for her household, she is not required to report anything else until her Interim Report.

If the change you report results in your SNAP increasing to the maximum benefit amount, DTA should issue you a supplement for the month of the reported change. See Question 106.

If you send DTA pay stubs or other information that shows your income has gone up or your housing costs or other costs have gone down – even though you are not required to send it -- DTA may treat that information as
verified and reduce your SNAP. See Question 103. See also 106 C.M.R. § 366.110(C)(5)(a)(1). If you move, see Question 19.

DTA Online Guide Sections: SNAP > Certification Types > Simplified Reporting.

100 What is the Interim Report and when do I need to do one?

DTA will send you the Interim Report 45 days before the middle of your certification period. When you get the form, fill it out and get it back to DTA as quickly as possible so there aren’t delays in your SNAP.

Example: Alexa is certified for 12 months, from January through December. She gets SNAP on the 1st day of each month. She should get the Interim Report by May 15th, 45 days before July 1st. She needs to finish the Interim Reporting process before July 1 to keep her SNAP without interruption.

The Interim Report (IR) asks you about certain household changes. The information you are required to tell DTA on the Interim Report is if:

- Your income (earned or unearned) changed up or down by *more than $100 per month*,
- You started or stopped a job,
- You moved and your shelter costs changed,
- Your household members have changed (eg. someone moved in or out or you had a baby),
- Your child support payments that you are legally required to pay have changed. See Question 82.

If there has been a change, report the change on the IR form and follow the directions about what proofs to send DTA. That can make the process faster. You do not need an interview when you file the IR form. If DTA reviews your paperwork and determines they need additional proofs they will send you a Verification Checklist.
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How to complete your Interim Report:

- Online on DTAConnect.com by creating an account and clicking on the alert at the top of the page. See Question 23. This is the fastest way to do the paperwork!

- Send to DTA by fax or mail. See Question 15.

- Bring to a local DTA office.

What happens next with your IR:

If you send back your IR form to DTA timely:

- **With all required proofs (or no proof is required in your case):** DTA should continue your SNAP without interruption.
- **You are late in returning required proofs:** Your SNAP will be delayed. If you get the proofs in within 30 days of when your case closed, DTA should reopen your SNAP back to the date DTA received your proofs
- **You did not send in the proofs at all:** DTA will stop your SNAP. DTA must send you a notice if they are stopping your SNAP.

If you do not send the IR form back, your SNAP benefits will stop. DTA must send you a notice if they are stopping your SNAP because you did not send back the IR form.

If you send in the IR form late but within 30 days of your case closing, DTA should reopen your SNAP case – but the benefits may be prorated as of the date they received the report if the delay was your fault.

If your SNAP closed at the point of Interim Report and less than 30 days have passed, you can send DTA your Interim Report instead of doing a whole new application. If more than 30 days since your case closed, file a new SNAP application.

If you did everything DTA asked you to do and your SNAP still closed, contact a DTA Office Supervisor, the Ombuds or file an appeal. See Question 31 and Appendix E.

Advocacy Reminders:

- ✓ Under federal rules DTA is required to send you a notice if they are stopping your SNAP at the point of Interim Report. 7 C.F.R.
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§273.12(a)(5)(iii)(D) and (E). You have a right to appeal if you think DTA should not have denied you (for example because you sent in verifications that were requested). You also have a right to get aid pending if you appeal within 10 days of the date of the notice. See Question 107.

DTA Online Guide Sections: SNAP > Certification Types > Simplified Reporting > Simplified Reporting Interim Report

101 What is the Elder/Disabled Simplified Application Project (EDSAP)?

EDSAP is a special DTA project to help older adults and persons with disabilities stay on SNAP. EDSAP means less paperwork for you to fill out and less work for DTA to process. Your SNAP case can be on EDSAP even if you have children in the household under age 18.

Your SNAP case is part of EDSAP if every adult in your household is:

- Age 60 or older or
- Receives a disability-based benefit, such as SSI, Social Security Disability, or MassHealth as disabled, and
- Does not have earned income.

Your SNAP benefits are approved for 3 years (36 months). At the end of 3 years, DTA will contact you to recertify your SNAP. In the meantime:

- You do not need to fill out any Interim Report forms
- You do not need a DTA interview at your Recertification - unless you want one, or unless DTA finds information you provide “questionable.” See Question 17.
- You only have to tell DTA about two changes by the 10th day of the month following the month of the change:
  - When someone joins or leaves your household
  - If you or anyone in the household starts working

If someone leaves or joins your household or you or another household member start working, you need to tell DTA. DTA will move your case from EDSAP to Simplified Reporting. You will then need to report changes every 6 months. See Question 99.
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Example: Edward, age 65, starts a new job in November and receives his first pay check on November 28. He needs to report the earnings to DTA by December 10th. Edward’s SNAP case will be moved out of EDSAP and he will be required to complete an Interim Report every 6 months. He is still certified for SNAP for the remainder of his 3 year certification period.

If you are on EDSAP, you are NOT required to tell DTA about any other changes. However, it is best to report increases in expenses if you are not getting the maximum SNAP benefit, such as an increase in rent or medical costs.

DTA will send you a notice explaining EDSAP, when your 3 year certification period ends, and your reporting requirements. Some DTA notices can be viewed through DTA Connect. See Question 23. You can also call DTA (including the Senior Assistance Office) to ask if your SNAP is an EDSAP case.

DTA Online Guide Sections: SNAP > Certification Types > Simplified Reporting > Simplified Reporting Overview

102 What is Change Reporting for cash assistance households?

Reporting requirements are different for households that only get cash assistance from DTA (TAFDC or EAEDC). 106 C.M.R. § 366.110(A). If your household receives cash assistance, you are not on simplified reporting. This may change during 2020. Call your DTA case manager to ask what reporting rules you need to follow.

If you get cash assistance from DTA, you must report the following within 10 days of the change:

- Your income (earned or unearned) goes up or down by more than $100 per month. This is the rule for SNAP regardless of how your income is treated for TAFDC (even if DTA is disregarding 100% of your income for TAFDC).
- You start or stop a job.
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- You move and your rent, mortgage or utilities changed.
- Who lives with you changed (for example, someone moved in or out, or a baby was born).
- You are legally obligated to pay child support and your obligation changed. See Question 82.

If your SNAP benefits will go down or end because of a change, DTA must give you a notice at least 10 days in advance of the date your SNAP will change. Your benefits will not be decreased or stopped until after this ten day period. 106 C.M.R. § 366.200.

**Example:** Mary usually receives her SNAP benefit on the 2nd of the month. On 11/15, she reports an increase in income. By November 25, DTA must send her a written notice that her SNAP will go down. DTA cannot reduce her benefits until 12/5, 10 days after that notice. Since Mary will already have received her next SNAP on 12/2, her benefits will not decrease until January.

DTA does not have to give you a 10 day notice of a change when DTA has confirmed information that a household member has died, when there is a mass change (such as a Social Security cost of living adjustment) or in certain other situations. 106 C.M.R. §§366.210, 106 C.M.R. §366.215. In some situations, your benefits can be reduced or ended right away. 106 C.M.R. §366.120(C). You still have the right to appeal. See Part 6.

**DTA Online Guide:** SNAP > Certification Types > Change Reporting

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**103 Can DTA decrease my SNAP during my certification period?**

When you are on Simplified Reporting or EDSAP, there are certain situations where DTA can decrease your SNAP benefits. This happens if DTA gets certain information from you or certain third parties.

Otherwise, DTA can only make changes during your Interim Reporting and Recertification reviews.

DTA can make changes to your SNAP if they get information that is “verified upon receipt” – meaning the information is from the primary
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source. For example, DTA can make a change when DTA gets confirmed information about:

- the death of a family member through the Dept. of Public Health (DPH) Vital Records,
- the removal of a child by the Department of Children and Families (DCF), or
- an increase in SSI or Social Security benefits from the Social Security Administration (SSA).

See Question 72 for more information.

If you send DTA proof of a change in-between reporting periods

DTA’s policy is that information you verify at any point – even if you are not required to verify it – can also be treated as “verified upon receipt” and they can act on it, 106 C.M.R. § 366.110(C)(5)(2).

For that reason, it is best to only report and verify changes to DTA that will result in an increase in SNAP – unless you are required to report the change (for example, your income exceeds 200% of the federal poverty level). If DTA decreases your SNAP and you are worried the decrease is not correct, contact MLRI.

DTA must give send you a notice at least 10 days in advance of the effective date of the change if they take action to reduce your SNAP (unrelated to the Interim Report or Recertification). 106 C.M.R. § 366.200.

Advocacy Reminder:

✓ Sometimes there are errors with DTA’s data matches. If your SNAP benefits decrease and nothing in your household has changed, contact a DTA Supervisor, the DTA Ombuds Office or file an appeal. If DTA decreases or stops your SNAP based on information they got from another source, and you think the information is not correct, contact MLRI.

DTA Online Guide Sections: SNAP > Certification Types > Simplified Reporting > Simplified Reporting Case Maintenance, and Cross Programs > External Agency Matches >
When do I need to recertify my SNAP and what do I do?

When your certification period ends, your SNAP will stop unless you timely reapply or “recertify” for benefits. 106 C.M.R. §364.700. SNAP is certified for 12 or 36 months. See Question 98. Most households also need to complete an Interim Report after 6 months. See Question 100.

45 days before the end of your certification period, DTA will send you a Recertification form to fill out. 106 C.M.R. § 366.310.

When completing the form, you need to tell DTA about:

- Changes to your address or phone number,
- If someone joined or left your household,
- Any changes to noncitizen status,
- If anyone is a student, and
- Income for all household members.
  - The Recertification form does not ask about income. Write down any income on the “additional information” section of the form and send DTA proof of income for you and/or other household members.

You also have the option of telling DTA about:

- Dependent care costs,
- Housing costs,
- Utility costs,
- Medical costs, and
  - You only need to verify medical costs at Recertification if your costs have changed by $25 or more.
- Child support payments you make.

Follow the directions in the form about what proofs to send DTA. Fill out, sign, and return the Recertification form along with copies of your proofs.
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You can return your Recertification form to DTA one of three ways:

- Complete the Recertification online on DTAConnect.com. See Question 23. This is the fastest way to do the paperwork!
- Send it to DTA by fax or mail (See Question 15), OR
- Bring it to a local DTA office.

**Recertification interview:**

Most households are interviewed by phone. 106 C.M.R. §§ 366.320(B), 366.330(A). This is similar to the application interview. See Question 10.

If you are an elder (60+) or disabled household, there is no recertification interview if you have no earned income and you sent your Recertification and any verifications DTA needed on time. DTA will still schedule a recertification interview for you if you ask for one, the information you provided is questionable, or your SNAP case is going to close.

**Keeping Your SNAP without Interruption:**

DTA should give you enough time to complete and return the recertification paperwork to continue your SNAP benefits without interruption – as long as you get the form back on time and are still eligible. 106 C.M.R. § 366.320(A) and (B). DTA should send you a notice if you return the form and for some reason your SNAP will be delayed.

If you get the form back after the DTA deadline, you may have an interruption in benefits. If you do not return the form, your benefits will stop. You will not get any additional notice from DTA.

If you sent DTA your recertification and any necessary proofs on time but didn’t get your SNAP benefits on time, check your case status on DTA Connect or call the DTA Assistance Line to speak with a worker.

**Getting a closed case reopened:**

If you send DTA your recertification form and have your interview, but your SNAP ends because DTA is missing documents, you can ask DTA to reopen your case.

DTA should reopen your case if you sent in the recertification form before the deadline, and you get your missing proofs in within 30 days of the date your case closed. You do not have to start a new application. 106 C.M.R. §
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366.340. 106 C.M.R. § 361.700(B)(2). Your benefits may be pro-rated if the delay was your fault.

If your SNAP closed at the point of Recertification and less than 30 days have passed, you can send DTA your Recertification instead of doing a new application. If more than 30 days since your case closed, file a new SNAP application.

**DTA Online Guide Sections:** SNAP > Certification Types > Simplified Reporting > Simplified Reporting Recertification

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**105 If my TAFDC case closes, do my SNAP benefits continue?**

If your family was receiving TAFDC and your benefits end you may automatically get five months of SNAP benefits. This special benefit is called the Transitional Benefits Alternative or “TBA.” TBA does not apply if your TAFDC closes due to a TAFDC program sanction.

The amount of SNAP you get will be calculated using only the income you had in the month your TAFDC benefits stopped. DTA will not count the amount of your TAFDC that stopped. DTA will also not count new income you receive that caused your TAFDC to close, such as new earnings or child support. 106 C.M.R. § 365.190.

**Example:** Mary gets TAFDC for herself and her baby. She has no other income. After a couple of months the baby’s father gets a new job and she begins to get $800 per month in child support. When her TAFDC closes, her TBA SNAP is calculated based on $0 of income (the TAFDC she was getting and the new child support – which caused the TAFDC to close – do not count). This helps Mary transition off TAFDC.

During the five-month TBA period, you are not required to report any changes in your household. You do have the option to report changes and if you report a change that could increase your benefits (such as loss of income or the addition of a household member), DTA is required to act on that change and recertify your benefits to the higher amount. See 106 C.M.R. § 366.110(B).
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About 45 days before the end of the 5 month TBA period, DTA should send you a recertification form that you will need to complete in order to continue your SNAP.

Note: In November 2018 DTA implemented an important change affecting TAFDC households. If you get TAFDC and start a job, 100% of your earnings are disregarded (not counted) for up to 6 months, as long as your TAFDC household’s gross income stays below 200% FPL. With this 100% earnings disregard it is usually better for you to keep TAFDC instead of closing TAFDC and getting the TBA benefit. However, each family is different. Your DTA cash assistance worker should be able to explain how this works, or contact MLRI if you need more technical assistance on this policy.

The 2019 TAFDC Advocacy Guide also explains the intersection of TBA and the 100% earnings disregard.

106 How quickly will DTA increase my SNAP if my income decreases or my expenses increase?

DTA has to take action on certain changes that you report to them. After you report the change, DTA may ask for proof of the change. You may be eligible for supplemental SNAP benefits for the month you report the change in addition to DTA increasing your SNAP in the future.

If your net countable income drops to zero $0 dollars – meaning your SNAP increases to the maximum SNAP benefit for your household size --, DTA should issue you a supplemental payment of SNAP for the month you report the change. 106 C.M.R. § 366.120(A)(1).

Example: Kristina and her 2 kids get $50 on the 2nd of each month in SNAP because she is working. Kristina’s company lays her off and on June 15th she reports to DTA that she has lost her income. DTA should increase Kristina’s SNAP to $509 on July 2nd, and should also issue a supplemental SNAP payment of $459 for June.

If you report a new household member or a change in income of $50 or more, DTA must adjust your SNAP benefits effective with the first
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payment you are due ten days after you reported the change. If you report the change after the 20th of the month and it is too late in that month to increase the next month’s payment, DTA should give you a supplemental SNAP payment so that you get the increase by the 10th day of the following month or on your normal issuance date, whichever is later. 106 C.M.R. § 366.120(A)(2).

Example: Marian and her husband have earnings from his job and get SNAP on the 5th of each month. She is pregnant and has a baby. Marian calls DTA on May 29th and reports the baby was born. DTA should increase Marian’s SNAP beginning in July because there is less than 10 days from May 29th to June 5th - but should also issue a supplement so that her SNAP amount is higher on June 5.

If you have an overpayment, DTA should not intercept supplemental SNAP payments to offset an overpayment. See Question 120.

For all other changes, DTA must make the change effective no later than the first SNAP allotment issued 10 days or more after the change was reported to DTA. 106 C.M.R. § 366.120(B).

DTA Online Guide Sections:
- SNAP > Department Responsibility to Take Timely Action > Department Responsibility to Take Timely Action
- SNAP > Eligibility Requirements > Household Composition > Add a New Person as a SNAP Household Member
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107 What are my rights if DTA denies, cuts or stops my SNAP?

If DTA denies your SNAP benefits or stops or lowers your benefits, you can ask for a fair hearing. A fair hearing, or an “appeal”, is a formal meeting in person at the local DTA office or by phone. A hearing officer runs the hearing and decides who is right. 106 C.M.R. §§ 367.375, 343.110. To ask for a hearing you file something called an “appeal” with DTA. You can ask for a hearing to challenge any DTA decision or action you disagree with. 106 C.M.R. §§ 367.125, 343.230.

Most DTA notices have an appeal form on the back which you can use to request a hearing. See Question 111 for more on how to file an appeal and Appendix C for a copy of the DTA “Request for an Appeal” form.

You can appeal most actions DTA takes. For example, you can appeal if:

- DTA denies your application or recertification
- DTA lowers your SNAP and you think it is wrong
- DTA denies or ignores a request to correct a SNAP underpayment (under-issuance)
- DTA does not increase your SNAP (for example, when your income goes down or someone has moved into your household).
- DTA denies or ignores your request to accommodate a disability. See Question 28.
- DTA says you have been denied but never sends you written notice.
- DTA says you were overpaid SNAP benefits

See 106 C.M.R. § 343.230.
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Cuts or Terminations

In most situations, DTA must give you at least 10 days advance notice before your benefits are stopped or reduced. The 10 days start from the date that the notice is mailed. Save any notices you get from DTA and the envelopes the notices come in. You may need the postmark on the envelope to show when the notice was sent. Often the date on the notice itself is a day before the date the notice is actually mailed. This may not be legal if DTA is reducing or terminating your SNAP. Contact MLRI if your SNAP is reduced or terminated and your envelope has a postmark that is less than 10 days from when your benefits were impacted.

You can ask for a hearing if your benefits are stopped or reduced. See Question 110 on whether you can keep your benefits while you are waiting for a hearing decision. 106 C.M.R. §§ 343.230, 367.300. You can also reapply for SNAP while you are waiting for a hearing.

Worker Bad Conduct

You can ask for a hearing if a DTA worker threatens you, makes unreasonable demands that do not follow the rules, violates your privacy, or does not treat you with dignity and respect. 106 C.M.R. § 343.235. You have 120 days to file an appeal from the date of the incident where you allege worker misconduct. 106 C.M.R. § 343.140.

108 If I have the proofs DTA wanted, should I still ask for a hearing?

You always have the right to ask for a hearing, including if you now have the proof DTA wanted. But, you might be able to get the problem fixed without having to wait for the hearing.

If you are missing proofs and your case was recently closed or denied you can still give them to DTA.

- If you give DTA the missing proofs within 60 days of the date you applied for SNAP, OR within 30 days of the date your certification period ended or your case closed, then as long as the proof you sent
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is acceptable DTA should approve or reinstate your benefits. 106 C.M.R. § 361.700(B).

- If the documents DTA is asking for are ones you already sent them and DTA did not look at them timely, or if DTA made a mistake in failing to accept your proofs, DTA should give you benefits going back to the date they received the proof from you. You can ask to speak to a Supervisor, call the Ombuds Office or contact an advocate to help you.

Bringing documents to the hearing

You have a right to bring any documents to the hearing that you think will help your case. This includes documents you were late in giving DTA. If your SNAP benefits were denied, stopped or reduced because of a missing proof, and you bring this proof to the hearing, the hearing officer should consider it and make the necessary adjustments to your benefits.

If the missing proofs were needed for your SNAP application or Interim Report, the hearing Officer must look at the documents under the “de novo” (look anew) rule. This means that if the proofs you submit are sufficient the Hearing Officer should give you SNAP back to the date of your application or back to the start of your new Interim Reporting period. The SNAP eligibility date should be the date all eligibility conditions were met regardless of when the evidence was submitted.

Example: Mary applies for SNAP on June 1. She is confused about the application timeline and does not give DTA proof of her employment pension before 60 days passed. DTA denied her June 1 application because it didn’t get her proofs in time. Mary files an appeal on August 4 and brings proof of her pension to the hearing. The Hearing Officer accepts her pension proof and approves her SNAP back to June 1. The reason for the delay does not matter because Mary filed an appeal on an application.

If the missing proofs were needed as part of your Recertification or a reported change during the certification period the hearing officer will only approve your benefits as of the date the documents were submitted. However, if DTA was at fault the hearing officer should approve SNAP benefits back to the date all eligibility conditions were met regardless of when the evidence was submitted. Examples of when DTA is at fault include:

- You timely sent DTA documents that they did not look at,
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- DTA asked you for documents that are not required,
- DTA failed to send you a notice requesting the missing proofs, failed to give you enough time or failed to offer assistance when you asked for help.

Example: Mary does her SNAP recertification in May. She tells DTA in her recertification paperwork that she needs help getting proof of her pension because the company was bought out and she does not know who to contact. Her SNAP is closed on June 1 because DTA did not try to help and did not get proof of her pension. Mary files an appeal. At a hearing on June 20, Mary tells the Hearing Officer that she needed help and had to spend time finding the new company and reaching someone in HR. She brings proof of her pension at the hearing. The Hearing Officer should approve her SNAP going back to June 1 because the delay in getting DTA the proof was not her fault (because DTA ignored her request for help). The reason for the delay matters because the appeal was filed on a denied Recertification.

106 C.M.R. § 343.500(A). The “de novo” rule for evidence presented in a hearing was changed in January 2017. Contact MLRI if you believe you were wrongly denied benefits because a Hearing Officer did not accept proofs you brought to the hearing.

Additional Guidance:
- Policy changed to allow oral or written withdrawal of appeal request. Ops Memo 2013-60 (Dec 5 2013).

109 Can I fix problems without going to a hearing?

Yes. You can try to fix problems by talking with a DTA worker, Supervisor, Office Director, or calling the DTA Ombuds Office.

Start by trying to figure out what happened in your case, when your benefits started or stopped, and what notices you were sent. See Question 23 for information about DTA Connect.
Second, call the DTA Assistance Line and ask the DTA worker to explain to you the reason for DTA’s action on your benefits.

- When the issue is missing verification and the verification was in the case record but not processed, DTA should reopen the case immediately and issue you retroactive benefits. See **Question 20**.
- When the issue is verification you sent in but you sent it in late, DTA should reopen your SNAP and make a determination of whose “fault” it is. See **Question 21**.
- When the issue involves DTA failing to increase your benefits when you reported a decrease in income or increase in expenses, DTA should fix the case and issue you retroactive SNAP (this is an “underpayment”). See **Question 97 and 106**. DTA should not tell you to file an appeal to get the correction made.

If you do not get a satisfactory answer, ask for a Supervisor or the Assistant Director in the office you are calling. You can also file a complaint with the Department by speaking with a manager or the DTA Ombuds Office at **617-348-5354**. See **Question 31**.

Even if you are trying to fix the problem, you can **ask for a hearing at the same time**. You can always withdraw the hearing request if DTA agrees to fix the problem and correct your benefits. **106 C.M.R. § 343.350**.

**Discrimination complaints**

If you believe you have been discriminated against based on your race, gender, national origin, disability, age, religious creed, national origin, or political beliefs, you have a right to file a complaint with:

Director, Office of Adjudication  
U.S. Department of Agriculture  
1400 Independence Avenue, SW  
Washington, DC 20250-9410

Director of Equal Opportunity  
Department of Transitional Assistance  
600 Washington Street,  
Boston, MA 02111.

**106 C.M.R. §§ 360.200-360.220**. You need to include your name, address, and phone number as well as information on what happened (date, office, name of person you interacted with, whatever you know). You need to file this complaint within 180 days of the incident.
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For legal help, call the nearest Legal Services office. See Appendix E for a list of Legal Services offices.

Advocacy Reminders:

- Advocates may need a release signed by the client to discuss a client’s case with DTA. If you cannot send a release, you may be able to do a three-way call. See Question 6.

110 How much time do I have to ask for a fair hearing and will my benefits continue?

You can file an appeal 90 days from the date on your notice to get your appeal request to the Division of Hearings. 106 C.M.R. § 343.140(B)(1).

You can file an appeal 120 days from:
- The date of your application when DTA failed to act on the application
- The date DTA received a request from you and they failed to act (e.g. you asked DTA to increase your benefits because your expenses changed and DTA takes no action).
- The date of the action DTA took when they failed to send you a notice about the action.

106 C.M.R. § 343.140(B)(2).

You can appeal a denial of correction of an underpayment within 90 days of the date of the denial. DTA should deny your request in writing. See Question 97. You can appeal this denial even though the underpayment itself may have happened more than 90 days ago. 106 C.M.R. § 367.100.

You can ask for a hearing any time during your certification period to challenge the amount of your benefits or whenever you discover an error. 106 C.M.R. § 367.100. See Question 97.

Continuing benefits pending the hearing

If your benefits are being cut off or reduced, you can keep your benefits while you are waiting for a hearing decision by making sure that the
Division of Hearings timely receives your fair hearing (appeal) request. Getting benefits while you are waiting for the hearing decision is called “aid pending appeal.”

If you get the Division of Hearings your appeal request either before the effective date of the action OR within 10 days of the date the notice is mailed (whichever is later) then you “appealed timely.” If you appeal timely, your SNAP benefits will continue until the hearing officer makes a decision or until your certification period ends, whichever is first. 106 C.M.R. § 343.250, 106 C.M.R. §§ 366.220, 367.275. DTA can recover benefits you got while you were waiting for a hearing if you lose. 106 C.M.R. § 343.250(C). See Part 7 for information about overpayments.

Note, you are not eligible for SNAP benefits pending appeal if you are terminated at the end of your certification period. 106 C.M.R. § 366.200. You can still appeal, but your benefits will stop. If you do not appeal timely or your certification period ends, you can always re-apply for SNAP while waiting for your hearing.

Example: Judy’s SNAP is put on her EBT card on the 11th of each month. She is certified for one year. She gets a notice from DTA dated January 25 that says her SNAP benefits will be terminated on February 10 (the day before her next benefits are due). Judy disagrees with this decision and decides to appeal. The Division of Hearings must receive her appeal request by February 9, the day before the termination is to take place, for Judy to continue to get SNAP while waiting for the hearing to happen and for the hearing officer to make a decision.

She can still request a hearing after February 9 (until April 24) but her benefits will not continue while she is waiting for the hearing decision. If her certification period ends while she is waiting for a decision her SNAP will stop. In either situation, she can reapply for SNAP while waiting for the appeal to be resolved!

Advocacy Reminders:

✓ It always a good idea to appeal any denial, termination, or reduction in benefits you disagree with promptly. The appeal form asks if you do not want your benefits to continue while you wait for a hearing decision. It’s usually a good idea to not to choose this option. If you have questions about appeals contact
Part 6 ▪ Appeal Rights

a legal advocate. See Appendix C for a copy of the appeal form.

√ Save any notices you get from DTA and the envelopes the notices come in. You may need the postmark on the envelope to show when the notice was sent. Often the date on the notice itself is a day before the date the notice is actually mailed. This may not be legal if DTA is reducing or terminating your SNAP. Contact MLRI if your SNAP is reduced or terminated and your envelope has a postmark that is less than 10 days from when your benefits were impacted.
How do I file an appeal to get a fair hearing?

You can ask for a hearing by

- sending a fax to the Division of Hearings, FAX 617-348-5311, or
- writing to DTA, P.O. Box 4017, Taunton MA 02780-0314

Fax is better because it is faster and you have a fax receipt showing when you sent the request to the Division of Hearings.

Call 617-348-5321 or 800-882-2017 to see if DTA got your hearing request. Also call this number if you think your SNAP should have continued while you are waiting for the hearing and it stopped.

DTA has a form called a “Request for an Appeal” to ask for a hearing. See sample in Appendix C. If you got written notice of DTA’s decision, you can ask for a hearing by filling out the appeal form on the back of one copy of the notice. Or, you can write your own letter requesting a fair hearing. You do not have to use the DTA form. 106 C.M.R. § 343.240.

You should write the reason why you want a fair hearing. If you file the appeal on the backside of the SNAP letter of denial or termination, it is perfectly fine to give a general reason if you are not sure. You can write down “I disagree with DTA’s decision.” If you are not sending in the DTA notice of action, you should give more detail.

If you need an interpreter or you are homebound, you can ask for accommodations on the appeal form including:

- Request that the hearing to be held in your home if you are disabled and homebound. 106 C.M.R. §§ 343.310.
- Request for an interpreter if you need one including American sign language or foreign language. 106 C.M.R. §§ 343.450, and
- Request an “expedited” (quickly scheduled) appeal, if your SNAP application for expedited benefits was denied. 106 C.M.R. § 367.225
Part 6 • Appeal Rights

Be sure to send your hearing request to the Division of Hearings, not your local DTA office.

Next steps after filing an appeal

The Division of Hearings (DOH) should send you a notice within a few weeks of your appeal that tells you the date and time of your hearing. DTA must send you written notice of your hearing date at least one week prior to the hearing. 106 C.M.R. § 367.325.

It will also include the address of your local DTA office where it will be held. If you prefer to not go in person or cannot travel to the DTA office for any reason, you can ask to have your hearing done over the phone. This is your choice.

The DOH notice will have other information about what a hearing is like and what your rights are.

Rescheduling a hearing

If you are appealing a SNAP issue and you cannot make the hearing date the Division of Hearings scheduled, you are entitled to postpone (reschedule) the hearing. 106 C.M.R. §367.200. Call the Division of Hearings before the date it is scheduled for and ask for a new date. You do not need to have a good cause reason, as long as you call before the hearing date to postpone. 106 C.M.R. 343.320(A)(2). If you need to postpone more than once, you may need to show good cause.

If you miss the hearing without calling in advance, you will have to give a good cause reason to the Division of Hearings to get the hearing rescheduled. You will also be asked to explain to the hearing officer at the rescheduled hearings why you missed the first hearing. Good cause includes an unexpected emergency. 106 C.M.R.§ 343.320(D). Otherwise the Division of hearings will dismiss your appeal. 106 C.M.R. 343.320(B)(1).

Cancelling a hearing if DTA fixes your case

If DTA approves or re-opens your case while you are waiting for the hearing, you can withdraw (cancel) your appeal request so you do not have to go to the hearing. Make sure you got all of the benefits you are entitled to before you withdraw your appeal request.
Part 6 • Appeal Rights

- You can do this in writing. Mail or fax your withdrawal to the Division of Hearings. See Question 111.
- You can also cancel a hearing by calling the Division of Hearings at 617-348-5321.
- You will get a letter from DTA confirming that your appeal request was withdrawn. 106 C.M.R. 343.240 and 106 C.M.R. 367.150.
- Do not confuse withdrawing an appeal with asking for a hearing date to be rescheduled. If you cannot attend the hearing on the date scheduled by the Division of Hearings, call and ask for a new date. You may have to explain a good reason why you need a new date.
- You should not be pressured into withdrawing your appeal.

112 How should I present my case at the hearing?

The hearing is your last chance to make sure DTA has the facts supporting your position, including any documents.

- Try to get a legal advocate to represent you at the hearing or give you advice about representing yourself. 106 C.M.R. § 343.150. See Appendix E for a list of legal services offices. You can also bring a friend or relative for support. 106 C.M.R. § 367.350.

- DTA should schedule you for a face-to-face hearing unless you prefer a telephone hearing. For most people, a face-to-face hearing is better. It is easier to understand what is happening at a face-to-face hearing, easier to handle documents, and easier for the hearing officer to determine who is telling the truth.

- Bring any proof you have. This can include proof you did not have before or never sent to DTA. 106 C.M.R. §§ 343.410, 343.500(A), 367.400(F). You or your advocate can ask DTA to send you papers and information from your file before the hearing. 106 C.M.R. § 343.340. If your hearing is being conducted by telephone or video, you should insist on an opportunity to fax any follow up documents to the hearing officer.
Part 6 ▪ Appeal Rights

■ You can bring witnesses. You can also get a paper ordering a witness to come to your hearing; this paper is called a “subpoena.” 106 C.M.R. § 343.360. Talk with a legal advocate about how to do this.

Face-to-face hearings and most telephone hearings take place at your local DTA office in a separate room. Only the people who need to be there are allowed in—the DTA representative, you, your representative (if any), any witnesses, and the hearing officer. Everyone must testify under “oath or affirmation.” The hearing is tape-recorded. 106 C.M.R. §§ 343.450, 343.500, 343.550.

If you believe that DTA is using evidence that is unfair or unreliable—for example, an accusation from an unidentified person—tell the hearing officer that you “object.” Objecting may make the hearing officer think twice about relying on this information. Also, if you lose the hearing and appeal to court, the court can consider whether the hearing officer made a mistake by admitting the evidence you objected to.

You have a right to see any information in your DTA case record. The DTA case record includes copies of applications and recertifications, DTA notices, verifications DTA got from you, case narratives (notes from workers) and actions related to the fair hearing process. 106 CMR § 360.300.

Advocacy Reminders:

✓ DTA regulations allow DTA to schedule your hearing by telephone 106 C.M.R. § 343.120, but it is current DTA policy not to schedule a telephone hearing unless you ask for one. If DTA schedules you for a telephone and you want a face-to-face hearing, call the Division of Hearings right away (617-348-5321 or 800-882-2017) and say you want a face-to-face hearing. If DTA won’t give you a face-to-face hearing, be sure to say on the record at the hearing that you want a face-to-face hearing.

✓ The hearing officer must take evidence and decide the issues “de novo” (anew) based on what is presented at the hearing. See Question 108.

✓ If you think the interpreter is not interpreting correctly, object to the hearing and ask for a different interpreter. See Question 26.

Additional Guidance:

● Appellant can request permission from hearing officer to keep hearing record open to submit additional materials after hearing date. Transitions, May 2015 Policy Mail Box.
113 When will I get a decision and what should I do if I lose?

The hearing officer must decide your case within 60 days of receiving your appeal request. 106 C.M.R. § 367.450.

If you win, you should get any benefits DTA owes you within 30 days of the decision. If your SNAP is supposed to go up because of the hearing decision, DTA must include the increase either within 10 days or in your next regular payment (depending on the date you asked for a hearing). 106 C.M.R. § 367.450(A). DTA must also give you any SNAP benefits you missed while you were waiting for your hearing decision because your SNAP case was denied or your SNAP amount was too low. 106 C.M.R. § 366.500.

If you lose your fair hearing, don’t give up! First, you can reapply for benefits. Second, you have 14 days from the date of the decision to ask for a remand and 30 days after receipt of the decision to file in court to challenge the hearing officer’s decision. 106 C.M.R. §§ 343.710, 343.720, 367.475. You may be able to get help from your local Legal Services office. See Appendix E. 106 C.M.R. §§ 343.710, 343.720.

Be sure to allow time to get the remand or court papers ready. You can fax your remand request to the DTA Commissioner: Fax to 617-348-8575.

If you lose the fair hearing, DTA may ask you to repay SNAP benefits you got while you were waiting for a hearing decision. See Question 114. If you are no longer receiving benefits, DTA cannot recover SNAP benefits by reducing your cash assistance benefits, but DTA may be able to pay itself back by intercepting certain income. See Question 125.
Part 7
Overpayments and Fraud

114 What if I was overpaid SNAP benefits?

If you get more SNAP benefits than you are eligible for, DTA can recover the overpayment. 106 C.M.R. § 367.490. An overpayment can happen in four ways:

- DTA made a mistake and gave you too much in SNAP. This is called an Agency Error.

- You made an unintentional mistake that caused your SNAP to be higher than you should have received. This is called an Unintentional Program Violation (UPV).

- You received SNAP benefits while you were waiting for a hearing and you then lost the hearing.

- You are found by a court or a DTA administrative hearings officer to have committed fraud or an “Intentional Program Violation” (IPV).


DTA will not pursue an Agency Error overpayment if the amount is for less than $600. For example, if DTA paid you an extra $500 in SNAP by mistake, DTA will not ask you to pay it back.

DTA will not pursue a UPV or IPV overpayment if the amount is less than $125 - unless DTA discovered the overpayment during a Quality Control case review. 106 C.M.R. § 364.870.

If you are getting SNAP, DTA will take some of your SNAP each month to pay back the overpayment. See Question 124.
How do I know if I have an overpayment?

DTA will send you a Notice of Overpayment. The Notice will include a Repayment Agreement. You do not have to sign the Repayment Agreement. Talk with an advocate before you agree to sign this. You also have a right to appeal the Notice of Overpayment within 90 days. See Question 106.

DTA is supposed to establish the claim (send you a Notice of Overpayment) no later than 180 days from when DTA discovered there was an overpayment. See DTA’s Claims Plan with the USDA Food and Nutrition Service. Contact MLRI for a copy of DTA’s most recent SNAP Claims Plan.

If you think DTA made a mistake in charging you with an overpayment or the amount, you can file an appeal. See Question 111.

How does DTA calculate the amount of the SNAP overpayment?

An overpayment is the difference between the SNAP you received and the SNAP benefits you were eligible to receive based on the correct information about your case.

1. DTA should include all applicable deductions, just like when it normally calculates your SNAP. See Question 78. However, if the overpayment is due to unreported income, DTA will not include the 20% earnings disregard if the overpayment was your fault (a UPV) or if you were found to have committed fraud (an IPV). 106 C.M.R. § 367.495(D).

Example: Jill accidentally didn’t report earnings of $1,000 per month. When calculating her overpayment, DTA will count the full $1,000/month (instead of $800). If it turns out that Jill had sent in her pay stubs and DTA failed to act on the proofs she had submitted, DTA should only count $800 when calculating the overpayment – because the 20% earnings disregard does apply for Agency Error overpayments.
Part 7 • Overpayments and Fraud

2. For all overpayments, the first month of an overpayment is the month the change would have been effective if it had been reported by you timely, or acted on by DTA timely. 106 C.M.R. §§ 367.495(D), 367.500(A).

3. Federal regulations also require DTA to calculate the amount of an overpayment by doing a month to month calculation – not by averaging out an amount of income over the period of the overpayment. 7 C.F.R. 273.18(c)(ii)(A).

Example: Jane started a job in mid-June. She gets both SNAP and TAFDC. Because she is getting TAFDC, she is on change reporting and not simplified reporting. Jane was confused about the reporting rules and did not report her new job until her reevaluation for TAFDC and SNAP in October (four months late). DTA decided Jane had an Unintentional Program Violation overpayment. DTA must calculate the SNAP and cash overpayment by looking at Jane’s actual income month by month, and not average her total income over the four months.

4. DTA should reduce the amount of an overpayment by any amount of SNAP they “expunged” (took away if you didn’t use your EBT card for a year). 7 C.F.R. 273.18(c)(ii)(C). See Question 93.

5. DTA should reduce the overpayment by any underpayment of SNAP that DTA owes you. 106 C.M.R. §§ 366.550, 366.560.

6. DTA should not include any overpayment amounts that occurred more than 12 months before the date a UPV or Agency Error overpayment was discovered. For IPVs, DTA can calculate the overpayment going back 6 years.

Advocacy Reminders:

✓ Contact MLRI if you have questions or for a copy of DTA’s most recent SNAP Claims Policy.

✓ There is no overpayment if you did not report a change that you were not required to report or would not matter. For example, if you were on Simplified Reporting and you did not report an increase in income in between your Interim Report and your Recertification, there is NO
overpayment unless the increase put your household over the gross income limit. See Question 99.

√ The first month of an overpayment is the month the change would have been effective if it had been reported timely. In May 2017 federal rules were changed regarding timely reporting of income in simplified reporting cases. Effective May 8, 2017, households are not required to report if their income exceeds the gross income test until the 10th day of the month following the month in which the income exceeded the gross income test (the old rule was within 10 days of the receipt of income). 7 CFR 273.12(a)(2). See Question 99. Contact MLRI if DTA pursues an overpayment against your household because your income exceeded the limit for your household size.

√ If your household includes an ineligible non-citizen with income, check to make sure DTA followed the special income counting rules when calculating the overpayment. See Question 54.

√ DTA should not take any supplemental payments that are issued in connection to your current SNAP and a change you report. Contact MLRI if you are worried DTA did not do this correctly.

DTA Online Guide: Home > Cross Programs > Overpayment and Recovery

117 How can I get more information from DTA about my overpayment?

You have the right at any time to call DTA and ask for more information about your overpayment. Call the Overpayment and Recoveries Unit at: 1-800-462-2607.

This is especially important if you are filing an appeal and do not agree with the overpayment or the overpayment amount. You can ask for the packet of information related to your overpayment. DTA should give you information including:

- The overpayment referral (when was the overpayment discovered, what type of overpayment is DTA pursuing, etc),
- Notes about the SNAP overpayment and relevant DTA notices,
- Any evidence or proof they got from other parties or agencies,
• Proof that the overpaid SNAP benefits were used, and
• How they calculated the SNAP overpayment - including a monthly breakdown.

118 When do I have to repay an overpayment?

Under the federal and state SNAP rules, you are required to repay overpayments even if the overpayment was DTA’s mistake – unless the overpayment meets certain exceptions. See 106 C.M.R. § 367.495(E)

This chart summarizes when DTA will and will not pursue an overpayment.

<table>
<thead>
<tr>
<th>Will DTA pursue an overpayment?</th>
<th>Overpayment Occurred 12+ Months Before DTA Discovery</th>
<th>Overpayment Less Than $600</th>
<th>Overpayment Less Than $125</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agency Error</td>
<td>No</td>
<td>No</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Client Error-UPV</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Client Fraud-IPV</td>
<td>Yes (up to 6 years)</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

If you are currently getting SNAP, DTA will take some of your SNAP to repay the overpayment. See Question 124. If you are not currently getting SNAP, see Question 125.

DTA will collect from you and also any others who were adults and in your SNAP household at the time of the overpayment. 106 C.M.R. §367.490.

However, DTA has the authority to reduce the amount of a claim. This is called “compromising the claim.” 106 C.M.R. §367.495(F).

If I am currently getting SNAP, will DTA waive (stop collection) of an overpayment it caused?

Yes! DTA has special rules for SNAP recipients with “Agency Error” overpayments:
If all SNAP household members in your household are age 67 or older, DTA will waive the entire (100%) Agency Error overpayment amount. DTA started this policy in May 2018.

If any SNAP household members in your household are below age 67, DTA will waive half (50%) of the Agency Error amount. For example, if a household has a $900 Agency Error overpayment, DTA will reduce the amount owed to $450. DTA started this policy in November 2018.

If I am not getting SNAP, but the overpayment was DTA’s fault, do I have to repay it?

Yes. Agency Error overpayments are subject to the same rules as other kinds of overpayments. See Question 125.

You have the option to ask DTA to compromise your claim if you cannot pay it without hardship. Contact an advocate if you need help trying to convince DTA to reduce or eliminate a SNAP overpayment.

DTA Online Guide Section: Home > Cross Programs > Overpayment and Recovery > Unintentional Program Violations

119 What if DTA says I committed fraud or an Intentional Program Violation (IPV)?

An IPV is an “intentional program violation.” That is when a court or an administrative hearing officer determines that you gave DTA false or misleading information on purpose. DTA must prove that you intentionally and willfully hid information in order to get benefits you are not eligible for, or intentionally and willfully did not report a change that you were required to report and would have reduced your benefits. 106 C.M.R. § 367.525. Purposely giving false or misleading information or willfully hiding information in order to get benefits is fraud.

Example: Stacy wrote that she has $0 of income on her SNAP application. She was working when she wrote this on the application and she knew she was lying when she wrote $0 on the application. She did it intentionally in order to get the maximum SNAP grant.
Part 7 • Overpayments and Fraud

If DTA thinks you committed fraud, they are required to send you a notice about an Administrative Disqualification Hearing. This notice sets a time and a date for a hearing with a DTA Hearing Officer. At this hearing the hearing officer will hear from DTA about why DTA thinks you intentionally broke SNAP rules in order to get more SNAP.

This notice also includes a page called an “Administrative Disqualification Hearing Waiver.” Do not sign this waiver without first consulting with an advocate. Signing this waiver means that DTA will find that you have an IPV and sanction you off SNAP – without a hearing or any further evaluation of the situation.

If you get a notice about an Administrative Disqualification Hearing, call Legal Services as soon as possible.

120 What is DTA required to do to show I committed fraud?

DTA must give you written notice of the SNAP intentional program violation (IPV) penalties each time you apply. The notice must be in English, Spanish or other languages spoken by 100 or more households in the area served by the DTA office. 106 C.M.R. § 367.550.

To establish an IPV, DTA has to prove that you knew the SNAP rules and your responsibilities and that you purposely violated the rules. DTA must prove with “clear and convincing evidence” that you “willfully, knowingly and with deceitful intent committed an IPV.” 106 C.M.R. § 367.750. Simple unintentional mistakes or misunderstandings between you and DTA that result in an overpayment should not be IPVs.

In calculating the amount of the overpayment, DTA must give you all the deductions (shelter, child care) you would otherwise receive, with the exception of the 20% earned income deduction. 106 C.M.R. § 367.500(A).

There are many situations where DTA may not meet its burden to prove the SNAP household willfully and intentionally committed fraud, including:

- DTA failed to give written notice about reporting requirements in the household’s own language as required under DTA’s obligations to serve limited English proficient households.
• You reported a change to the DTA office, but the DTA office failed to correctly record the change or process the documents.
• DTA relied on information from a data match that was not accurate.
• You, or the head of household, were not capable of willfully and knowingly defrauding DTA because you have a mental health or cognitive impairment. A statement from a health provider, such as a psychologist or psychiatrist, may help show that you did not act knowingly or willfully.

121 Can DTA suspend or stop my SNAP benefits if I committed an IPV or fraud?

If you are found guilty of an IPV by a court of law or by a DTA hearing officer – or you waived your right to an IPV hearing or signed a consent agreement in court – you will not be eligible for SNAP benefits for yourself for

• one year for the first violation,
• two years for the second violation, and
• permanently for the third violation. 106 C.M.R. § 367.800(A).

DTA can only stop SNAP benefits for the person who committed the intentional program violation. The IPV disqualification does not affect children or other people who are in the same household with the person who committed the IPV. 106 C.M.R. § 367.800(F). However, any income of the disqualified member will count against the rest of the household. The household also has a lower gross income test than other SNAP households. See Question 78.

DTA has to follow special notice and hearing rules if it has charged you with an IPV. 106 C.M.R. §§ 367.600-367.750.

When the disqualification period starts

The disqualification period must start the month following the date that you received written notification of a hearing decision where the hearing officer made an IPV determination. 106 C.M.R. § 367.625. If DTA misses that
date, or starts the disqualification late, you should not be disqualified for additional months that DTA missed.

Even if you are no longer getting SNAP at the point of the notification or during the disqualification, the SNAP disqualification period still starts the month following the month of the hearing decision. DTA cannot initiate a disqualification at some later date or suspend the disqualification until you reapply. Contact Legal Services if this is an issue.

**Example:** A hearing officer found that Rachel committed an IPV on July 15, 2014 and disqualified her for 12 months. DTA then sent her a notice of the disqualification on July 17th. Rachel was not getting SNAP at the time of the IPV disqualification. Her 12 months start August 2016. She can reapply in September of 2017. If Rachel has another family member, such as a child, she can still get SNAP for that child during the disqualification period, even though she is ineligible.

The disqualification penalties are more severe for people found guilty, in court, of trading SNAP benefits for drugs or firearms, trading more than $500 in benefits, or getting multiple benefits with a fake identity or address. 106 C.M.R. § 367.800(B), (C).

DTA should contact SNAP households when the sanction period is ending to evaluate whether the sanctioned individual can be added back onto the SNAP case.

**Advocacy Reminders:**

✔ An IPV is a very serious matter. Contact Legal Services right away if you get notice of an IPV Administrative Disqualification Hearing. See Appendix E.

✔ If you received SNAP in another state and you were found to have committed an IPV in that state, DTA can continue that disqualification in Massachusetts. The length of the disqualification period starts with the date you were notified of the original IPV.

**Example:** Philip was disqualified from SNAP in Montana on January 2017 for 1 year. His SNAP disqualification ends January 2018, even if he moved to Massachusetts in March of 2017.

**DTA Online Guide:** SNAP > Disqualifications/Sanctions > Intentional Program Violation > Intentional Program Violation Overview
**Additional Guidance:**

- Description of the “electronic disqualified recipient system” or eDRS under USDA to track individuals under IPV SNAP sanctions in other states. Households have the right to dispute the e-DRS finding and confirms an IPV disqualification does not affect other household members not disqualified (e.g. children). Ops Memo 2013-39A, August 26, 2013

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**122 What should I do if contacted by the Bureau of Special Investigations?**

If DTA thinks you were overpaid because of your mistake or because you committed fraud, it may refer your case to the Bureau of Special Investigations (BSI). [106 C.M.R. § 706.240](#). DTA may also refer applications to BSI if the worker thinks you are lying about something.

BSI may tell you to come in for an interview. You do not have to go to the interview. Your benefits won’t stop just because you do not go to the interview. But if you don’t go, BSI can decide to send the case back to DTA to collect the overpayment or BSI may decide to refer the case for a criminal prosecution of SNAP fraud.

If you do go to a BSI interview, you have the right to remain silent. Anything you say can be used against you. It may be best to remain silent even if you have not done anything wrong. You do not have to give BSI names of people to talk to. Try to consult with an advocate before you meet with BSI or say anything.

Do not sign anything unless BSI has shown you how it figured the overpayment, you are sure that all the calculations are correct, and you agree with everything in the statement you are signing. Do not agree to a repayment schedule that you will not be able to keep or that will cause your family hardship. If you are unsure, consult an advocate first.

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**123 Can I go to jail? Will I have a criminal record?**

If BSI decides that you committed SNAP fraud and that the overpayment was not just a mistake, you can be prosecuted. [106 C.M.R. § 367.850](#). If
you get notice of a criminal complaint, you should plead “not guilty” and ask the court to appoint a lawyer for you. Legal services programs do not represent people in criminal matters but they may help you and your lawyer figure out whether BSI has correctly computed what you owe.

If you plead guilty or you are found guilty, you will probably not have to go to jail, but the criminal record may make it harder for you to get a job, get credit, or get housing. A criminal record may also cause immigration problems. You may have to pay back the money the court decides you owe. Sometimes the court will delay a final decision as long as you pay back the money according to the schedule set by the court. This is called “continued without a finding.” Be careful not to agree to a repayment schedule you will not be able to keep.

The federal SNAP rules permit you to ask the court to let you pay back the money through public service. 7 C.F.R. § 273.18(g)(7). If you pay the money back or pay the claim through public service, you may be able to get the case dismissed so you don’t have a criminal record.

If the court finds that you committed an IPV, your benefits can be stopped under the SNAP IPV sanction rules. See Question 121. 106 C.M.R. §§ 367.900, 367.925.
How does DTA collect an overpayment if I am getting SNAP?

If you are getting SNAP, DTA can pay itself back by:

- Not paying you for an underpayment you are owed. See Question 97. This is called “offsetting.”
- For Agency Error or Unintentional Program Violations, recouping 10% or $10 of your monthly SNAP, whichever is greater. 106 C.M.R. § 367.495(G)
- For Intentional Program Violation overpayments, recouping 20% or $20 of your monthly SNAP, whichever is greater. 106 C.M.R. § 367.500(B)(2)

Before reducing your benefits, DTA has to send you a notice telling you they are reducing your SNAP because they are paying back a SNAP overpayment. DTA may also send you a notice called a Repayment Agreement. You do not have to pay more than what DTA will take out of your SNAP and you do not have to sign the Repayment Agreement. However, if you go off SNAP you will need to comply with a Repayment Agreement in order to avoid DTA sending your case to the Treasury Department for federal tax or benefit offset. See Question 125.

You have the right to advance notice and an opportunity for a hearing before your benefits are reduced. 106 C.M.R. §§ 364.870, 364.880, 366.200. DTA may say you cannot challenge the overpayment at this point, so if you think the overpayment did not happen or the amount is not correct, you should request a hearing when you first get the Notice of Overpayment and should not wait to receive notice of the reduction before asking for a hearing. You have 90 days from date of the DTA action to request a fair hearing. See Question 107.

Advocacy Reminders:

- DTA can take an underpayment you are owed to offset an overpayment. But, DTA should only take a retroactive payment that makes up for a past mistake. It should not take any supplemental payments you get when you report a change. They should only take benefits from a prior month that you were entitled to but didn’t receive. Contact MLRI if you are worried that this happened to you.
Part 7 • Overpayments and Fraud

✓ Check with an advocate if are you are getting SNAP and DTA uses any means other than reducing current benefits to collect an overpayment. Also check with an advocate if collection will cause your family hardship.

✓ A fair hearing request should stop collection of the overpayment until the hearing officer makes a decision. 7 C.F.R. § 273.18(e)(6). Contact an advocate if DTA tries to collect the overpayment while your hearing request is pending. DTA cannot take money for a SNAP overpayment out of your TAFDC or EAEDC. See M.G.L. c. 118, § 10, 7 C.F.R. § 273.18(g)(1)(v).

125 How does DTA collect overpayments if I am not getting SNAP?

DTA has several ways of collecting overpayments from former SNAP recipients. If you appeal the overpayment, DTA should suspend collection activities until there is a decision on the appeal. 106 C.M.R. § 367.495(H)

How to repay a SNAP overpayment

If you are not getting SNAP, you can fill out DTA’s Repayment Agreement form and agree to one of the following:

- Monthly or lump sum payments: DTA will send you a bill to pay $50 per month for Agency Errors and UPVs and $100 per month for IPVs. You can ask DTA about reducing this amount if this is a hardship and your household’s income is below 300% of the Federal Poverty Level. See below.
- Voluntary EBT deduction from EBT benefits that remain in your account.
- Unemployment benefits: You can arrange with DTA to take some of your unemployment benefits.
- Voluntary wage garnishment: You can arrange with DTA to take some of your wages. A wage garnishment agreement has to let you keep 85% or $550 per week of your gross wages, whichever is greater.

Reducing the monthly amount of your repayment
If your household’s income is below 300% of the Federal Poverty Level, you can ask DTA to reduce your monthly repayment amounts. You can do this at any time. Call the DTA Overpayment Collections Unit at 1-800-462-2607 to ask about a reduced monthly repayment amount. DTA will ask you to complete a form and may ask you to provide proof of your household’s income.

DTA will not agree to monthly payments less than $10 for an Agency Error or UPV or $20 for an IPV.

**How DTA collects on an overpayment if you are not getting SNAP and you don’t comply with a Repayment Agreement**

If you do not comply with a Repayment Agreement, DTA may you’re your case to the Treasury Department to try to collect from you though the *Treasury Offset Program* (TOP). TOP can intercept certain federal payments to pay back a SNAP overpayment, including:

- Any amount of your federal tax refund(s)
- Up to 15% of your Social Security Benefits (you have a right to keep at least $750 per month). TOP can’t intercept Supplemental Security Income (SSI).

DTA has to send you a notice 60 days before they refer your overpayment to TOP. If you send DTA a repayment agreement and follow the terms of the agreement before they refer your case to TOP, they will not send it to TOP. If you get a notice about TOP, call DTA to enter into a repayment agreement. If you want to avoid TOP or want your case to be removed from TOP, but DTA refuses to remove your case from TOP, contact MLRI.

For more information, see [7 C.F.R. § 273.18(n)](https://www.federalregister.gov) and [106 C.M.R. § 367.510(E)](https://www.maine.gov).

DTA may also collect through a *debt collection agency*.

- Under state law, a collection agency cannot harass you or threaten to take the first $500 per week you earn in gross wages. A collection agency can only take money from your bank account if you have more than $2,500 in the account, and they can only take the excess above $2,500. For additional protections, see [G.L. c. 235, § 34; 940 C.M.R. § 7.07(18)](https://www.maine.gov).
Part 7 ● Overpayments and Fraud

DTA may take some of your *unemployment benefits* if they get a court order.

These collection methods may add additional fees or processing charges.

DTA cannot take SSI, TAFDC, EAEDC, Veterans’ Services, or other needs-based cash benefits to repay a SNAP overpayment. Federal and state SNAP law limits the steps DTA can take to collect on an overpayment: [7 C.F.R. § 273.18(g)](https://www.federalreserve.gov/privacy.html). [106 C.M.R. § 367.510](https://www.mass.gov忿言). State law also limits the options DTA has if they try to garnish your wages. [GL c. 18, sec. 30](https://www.mass.gov忿言).

A criminal court can order you to pay back the SNAP benefits you received if it finds you committed welfare fraud.

**Advocacy Reminders:**

- If you are not currently getting SNAP, DTA can suspend collection if DTA determines that the cost of collection will be more than DTA is likely to recover or would be unfair to you. [106 C.M.R. §367.495(H)](https://www.mass.gov忿言).

- If you are eligible for SNAP and have an overpayment, it is better for you to get back on SNAP! We encourage you to apply. If you are on SNAP DTA cannot ask you to pay back the overpayment because they will take some SNAP out of your monthly issuance instead.

- Do not agree to repayment terms that you will not be able to meet or that will cause your family hardship.

- If you are a SNAP recipient, or very low income, and paying back the overpayment will cause you financial hardship, you can make a written request to DTA to ask they waiver or reduce the overpayment to an amount that you could pay over three years. If DTA refuses, you can also file an appeal and ask a hearing officer to consider your request to compromise the claim. Contact Legal Services for help.


- See resources on our MassLegalHelp webpage, “*I have debt. Help!*” [masslegalhelp.org/consumer/debt](https://www.masslegalhelp.org忿言).
Appendix A

SNAP Worksheet
SNAP BENEFITS WORKSHEET (Effective Jan 2020)

1. GROSS Earned Income

2. ADD Gross Unearned Income +

3. TOTAL GROSS Monthly income =
   Compare with Gross Income Test

INCOME DEDUCTIONS

4. SUBTRACT Earnings Deduction
   (20% of gross earnings in Line 1) −

5. SUBTRACT Standard Deduction
   HH Size: 1-3 = $167; 4 = $178;
   5 = $209; 6+ = $240 −

6. SUBTRACT Excess Medical Deduction (See
   Box A - Elder/Disabled only) −

7. SUBTRACT Child Support Paid Out+

8. SUBTRACT Dependent Care Costs −

9. SUBTRACT Homeless Deduction ($152)
   (only if homeless household not claiming
   regular Shelter Deduction) −

PRELIMINARY ADJUSTED =

NET INCOME (PANI) =

10. SUBTRACT Excess Shelter (see Box B)
    Amount capped at $569 deduction
    NO cap for Elder/Disabled HHs! −

MONTHLY NET INCOME =

To estimate APPROXIMATE SNAP benefit:

1. Take 30% of Monthly Net Income X .3
   =

2. Maximum SNAP benefit for Household
   size (see chart to right)
   =

3. SUBTRACT Line 1 (30% of Net)
   −

APPROX. MONTHLY BENEFIT** =

** This is an approximate figure. If 30% of net income is below
the max SNAP allotment, you should apply for SNAP. All 1 and 2 person
households under 200% FPL qualify for $16 minimum SNAP.

* Also exclude child support paid from gross earnings test, but then
include to calculate the value of the 20% earnings deduction

Mass. Law Reform Institute – Jan 2020

GROSS INCOME TEST AND MAXIMUM SNAP

<table>
<thead>
<tr>
<th>Household Size</th>
<th>Gross Income Test-200% FPL</th>
<th>Maximum SNAP benefit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$2,127</td>
<td>$ 194</td>
</tr>
<tr>
<td>2</td>
<td>2,873</td>
<td>355</td>
</tr>
<tr>
<td>3</td>
<td>3,620</td>
<td>509</td>
</tr>
<tr>
<td>4</td>
<td>4,367</td>
<td>646</td>
</tr>
<tr>
<td>5</td>
<td>5,113</td>
<td>768</td>
</tr>
<tr>
<td>6</td>
<td>5,860</td>
<td>921</td>
</tr>
<tr>
<td>7</td>
<td>6,607</td>
<td>1,018</td>
</tr>
<tr>
<td>8</td>
<td>7,353</td>
<td>1,164</td>
</tr>
<tr>
<td>Each add’l member</td>
<td>Add $747</td>
<td>Add $146</td>
</tr>
</tbody>
</table>

Box A - Medical Deduction

Medical Expenses
Threshold - $35
Medical Deduction = H

※ If medical deduction > $35, enter $155 standard
deduction on Item #6. If actual medical expense
> $190/month, then use actual less $35.

Box B - Shelter Deduction

Rent or home ownership costs
Add SUA amount* +
TOTAL shelter expenses =
Shelter Standard
(Divide PANI by 2)
Excess Shelter Deduction = **

NOTE: Enter maximum $569 shelter on Item #10
unless elder/disabled person in H/H, then use actual amount.

* SUA = Standard Utility Allowance:
$646/mo - heating or AC costs or fuel assistance
$396/mo - utilities only (non-heating/cooling)
$ 45/mo - telephone/cell phone only

NOTE: Some sanctioned households must meet 130% FPL
gross income test, SNAP asset test and 100% FPL net income
test. Elder/disabled households over 200% FPL must meet
the SNAP asset test and net income test. See MLRI Advocacy
Guide for more information.
Appendix B
Income and Benefits Standards

Chart 1: Monthly GROSS Income Test - 200% FPL*

<table>
<thead>
<tr>
<th>Assistance Unit Size</th>
<th>Maximum gross monthly income</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$2,127</td>
</tr>
<tr>
<td>2</td>
<td>$2,873</td>
</tr>
<tr>
<td>3</td>
<td>$3,620</td>
</tr>
<tr>
<td>4</td>
<td>$4,367</td>
</tr>
<tr>
<td>5</td>
<td>$5,113</td>
</tr>
<tr>
<td>6</td>
<td>$5,860</td>
</tr>
<tr>
<td>7</td>
<td>$6,607</td>
</tr>
<tr>
<td>8</td>
<td>$7,353</td>
</tr>
</tbody>
</table>

Each additional member Add approximately $747

*Amounts effective as of January 15, 2020. This number may change in January 2021. For the most up to date numbers, go to Masslegalservices.org/content/ma-snap-calculation-worksheet

Note: Elder/Disabled households over 200% FPL may still be eligible, but must meet the $3,500 asset test.

Chart 2: Monthly GROSS Income Test -130% FPL.*
 Relevant for sanctioned SNAP households

<table>
<thead>
<tr>
<th>Assistance Unit Size</th>
<th>Maximum gross monthly income</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$1,354</td>
</tr>
<tr>
<td>2</td>
<td>$1,832</td>
</tr>
<tr>
<td>3</td>
<td>$2,311</td>
</tr>
<tr>
<td>4</td>
<td>$2,790</td>
</tr>
<tr>
<td>5</td>
<td>$3,269</td>
</tr>
<tr>
<td>6</td>
<td>$3,748</td>
</tr>
<tr>
<td>7</td>
<td>$4,227</td>
</tr>
<tr>
<td>8</td>
<td>$4,705</td>
</tr>
</tbody>
</table>

Each additional member Add $479

*Effective through September 30, 2020
### Chart 3: Monthly NET Income Test -100% FPL*

<table>
<thead>
<tr>
<th>Assistance Unit Size</th>
<th>Maximum gross monthly income</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$1,041</td>
</tr>
<tr>
<td>2</td>
<td>$1,410</td>
</tr>
<tr>
<td>3</td>
<td>$1,778</td>
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<tr>
<td>4</td>
<td>$2,146</td>
</tr>
<tr>
<td>5</td>
<td>$2,515</td>
</tr>
<tr>
<td>6</td>
<td>$2,883</td>
</tr>
<tr>
<td>7</td>
<td>$3,251</td>
</tr>
<tr>
<td>8</td>
<td>$3,620</td>
</tr>
</tbody>
</table>

Each additional member: Add $369

*Effective through September 30, 2020

### Chart 4: Maximum SNAP Benefit Amount*

Minimum benefit level for one and two person households is $16

<table>
<thead>
<tr>
<th>Assistance Unit Size</th>
<th>Maximum Benefit Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$194</td>
</tr>
<tr>
<td>2</td>
<td>$355</td>
</tr>
<tr>
<td>3</td>
<td>$509</td>
</tr>
<tr>
<td>4</td>
<td>$646</td>
</tr>
<tr>
<td>5</td>
<td>$768</td>
</tr>
<tr>
<td>6</td>
<td>$921</td>
</tr>
<tr>
<td>7</td>
<td>$1,018</td>
</tr>
<tr>
<td>8</td>
<td>$1,164</td>
</tr>
</tbody>
</table>

Each additional member: Add $146

*Current as of January 2020.

### Chart 5: “Disaster SNAP” Monthly GROSS Income Test*

<table>
<thead>
<tr>
<th>Assistance Unit Size</th>
<th>Maximum gross monthly income</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$1,728</td>
</tr>
<tr>
<td>2</td>
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<tr>
<td>3</td>
<td>$2,448</td>
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<tr>
<td>4</td>
<td>$2,818</td>
</tr>
<tr>
<td>5</td>
<td>$3,208</td>
</tr>
<tr>
<td>6</td>
<td>$3,598</td>
</tr>
<tr>
<td>7</td>
<td>$3,958</td>
</tr>
<tr>
<td>8</td>
<td>$4,318</td>
</tr>
</tbody>
</table>

Each additional member: Add $360

Income Deductions and Allowances

Chart 6: Standard Deduction*
All households

<table>
<thead>
<tr>
<th>Assistance Unit Size</th>
<th>Standard Deduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$167</td>
</tr>
<tr>
<td>2</td>
<td>$167</td>
</tr>
<tr>
<td>3</td>
<td>$167</td>
</tr>
<tr>
<td>4</td>
<td>$178</td>
</tr>
<tr>
<td>5</td>
<td>$209</td>
</tr>
<tr>
<td>6 or more</td>
<td>$240</td>
</tr>
</tbody>
</table>

*Effective through September 30, 2020

Chart 7: Shelter Deduction*
Used for all SNAP households except for households with an elder or disabled member where the shelter deduction is uncapped.

| Maximum Shelter Deduction | $569 |

*Effective through September 30, 2020

Chart 8: Homeless Deduction

| Homeless Shelter Deduction | $152 |

*Current as of January 2020

Chart 9: Standard Utility Allowances (SUAs)*

| Heating/Cooling          | $646 |
| Non-Heating              | $396 |
| Phone Only               | $45  |
| Bay State CAP            | $646 |

*Effective through September 30, 2020 (unless USDA proposed regulation change implemented)
Appendix C

**DTA Forms**
* Request to Choose Someone to be my Authorized Representative
* Request for an Appeal (Fair Hearing)
* Request to Employer for Employment Information
* Community College Verification Form (CCE-1)
* College Educational Income and Expense Form (EDUC-1)
* Request for Replacement SNAP Due to Household Disaster or Misfortune
* ABAWD request for homeless exemption form
* ABAWD medical report form

**MLRI Information and Sample Forms**
* SNAP Mandatory Verifications Chart
* Links to SNAP Know Your Rights fliers and additional SNAP resources
* Sample Client Consent Allowing DTA to Release Information to Helping Agency
* Sample Client Declaration of Shelter and Dependent Care Costs
Request to Choose Someone to Be My Authorized Representative

Client Name ___________________________ Last 4 Digits of SSN or Agency ID ___________________________

Client’s Residential Address __________________________________________________________________________

Section A – Designating a SNAP Authorized Representative for Certification and/or EBT Transactions

☐ I choose ______________________________ to be my SNAP Authorized Representative for Certification. His/her phone number is ______________________________. This person can sign my SNAP paperwork or any other forms, report changes and talk about my case with DTA. If I get too many benefits because s/he gave DTA the wrong information, I may have to pay DTA back.

☐ I choose ______________________________ to be my SNAP Authorized Representative for EBT Transactions. This person will receive an EBT card if s/he gives DTA proof of identity. S/he can buy food for me using my SNAP benefits. I will also get my own EBT card.

Section B – Designating a TAFDC/EAEDC Authorized Representative and/or Authorized Payee

☐ I choose ______________________________ to be my TAFDC/EAEDC Authorized Representative. This person can report changes and talk about my case with DTA. If I get too many benefits because s/he gave DTA the wrong information, I may have to pay DTA back.

☐ I choose ______________________________ to be my TAFDC/EAEDC Authorized Payee. This person will receive an EBT card if s/he gives DTA proof of identity. S/he can get money from my TAFDC or EAEDC account for me. I will also get my own EBT card.

_________________________________________          ______________________________________         _____/_____/__________
Client or Legal Guardian Name (Print)                    Client or Legal Guardian Signature                               Date

Important Points to Remember

- The same person may be named for multiple roles.
- You can cancel or change this request at any time.
- EBT cards still work if a case reopens after being closed. If you don’t want the person you choose to get and use your benefits, be sure to tell DTA to cancel their card.
  - For SNAP only clients, please call the DTA Assistance line at (877) 382-2363.
  - For TAFDC/EAEDC clients, please call your cash worker directly.

Note for SNAP Cases: Court appointed guardians signing on behalf of a client must attach a copy of the Guardianship Decree with this form.

Helping agencies that are not acting as an authorized representative should provide the Voluntary Consent to Release Information (VARI-OI) or similar form.
Request for an Appeal

If you have trouble reading or understanding this notice, call DTA at 1-877-382-2363 for help.

What is an appeal? If you disagree with a Department (DTA) action, you have the right to appeal. If you appeal, you will have a hearing. Hearings are usually held in your local DTA office. If you cannot come to the office, you can have a phone hearing. An independent hearing officer will make the decision. At least ten days before the hearing, you will get a notice of the time and place of the hearing. At the hearing, a DTA employee will explain the reason for the DTA action. You or someone helping you can explain why you disagree with the action. After the hearing, the hearing officer will mail you a decision.

Can I bring someone to help me? Yes. You can bring anyone you want to support or represent you. You can also bring witnesses to testify. You may be able to get free legal help. Call the Legal Advocacy and Resource Center (LARC) at 1-800-342-5297 or go to www.masslegalhelp.org for information on free legal services.

How do I appeal? Fill in the spaces below.

I wish to appeal the following decision by DTA:

Your Name (Print) ___________________________ Agency ID or last 4 of SSN ___________________________ Date ___________________________

Address __________________________________________________________ Telephone ( ) ___________________________

City/ZIP __________________________________________________________

If you have someone to help you with this appeal, please fill in their information:

Name ___________________________ Title ___________________________

Address __________________________________________________________ Telephone ( ) ___________________________

City/ZIP __________________________________________________________

If you need special help due to a disability, please contact the Division of Hearings at the numbers listed below.

Mail this request to: DTA, P.O. Box 4017, Taunton MA 02780-0314 or fax (both sides) to (617) 348-5311.

If you are currently getting cash benefits -- if we get this request before the date your benefits are to be stopped or lowered, your benefits will continue until the appeal is decided. If you lose your appeal, you will have to pay back these benefits. If you get TAFDC time limited benefits during your appeal and you lose, the months of benefits you received may count toward your time limit.

If you are currently getting SNAP benefits -- if we get this request before your benefits are lowered or stopped, your benefits will continue until the appeal is decided, or your SNAP certification period ends, whichever comes first. If you lose your SNAP appeal, you will have to pay back the benefits you received during your appeal.

If you do not want to get benefits during your appeal - Check this box □. If you choose not to get benefits during the appeal period, and win your appeal, DTA will pay you any benefits owed.

What are the deadlines for appealing? We must get your appeal request no later than 90 days from the date the Department sent you written notice of the action you are appealing.

But there are exceptions:

- There is no deadline if you appeal the amount of your SNAP benefits during your certification period.
- You have 120 days if DTA fails to act on your request for benefits or services.
- You generally have 120 days if the appeal is about coercive or improper conduct by a DTA employee.
- You only have 30 days if you are appealing because your state tax refund has been held to repay an overpayment of DTA benefits.

Do you need an interpreter? -- You have the right to a free interpreter if you need one. The interpreter will keep all of the information about your case confidential. You also have the right to bring your own interpreter. If you need an interpreter, please call us at any of the phone or MassRelay numbers listed in the section below or check this box □ and tell us your primary language or dialect: ___________________________ I will provide an interpreter for you.

What if I cannot come on the date of the hearing? If you need to reschedule, please call at (617) 348-5321 or (800) 882-2017 at least one day before the hearing. (If you are Deaf or hard-of-hearing, you can call MassRelay at 711 or (800) 439-2370). If you do not reschedule and miss the hearing, we will send you a letter about your rights. If you had a good reason for missing the hearing, we may be able to give you a new hearing.

DGH-10 [Rev. 4/2017]
DTA can use this form to confirm how much you are paid at a job or if you are still working there. Sign this form if you want us to contact this employer.

Date: ____________________

To: __________________________________________

Re: __________________________________________

Employer

Employer’s Address

City  State  ZIP

Employer phone number

Date: ____________________

Employer Signature

I allow this employer to tell the Department of Transitional Assistance whether or not I work there. I allow them to give my current wage information, if any.*

Client Signature

Date

*Once you sign the release of information, DTA will do the rest.

Information from Employer

☐ This person does not work for me.  Date last worked  /  /

☐ This person works for me.

Employer FEIN________________

Wage information for the indicated periods or the last 4 weeks:

Date:  /  /  Gross Earnings $ _____.

Hours: ________

Date:  /  /  Gross Earnings $ _____.

Hours: ________

Date:  /  /  Gross Earnings $ _____.

Hours: ________

Date:  /  /  Gross Earnings $ _____.

Hours: ________

☐ No earnings in last 4 weeks.

Date: ____________________

Employer Signature

Give this form to DTA

• By mail: DTA Document Processing Center, P.O. Box 4406, Taunton, MA 02780-0420
• By fax: (617) 887-8765
• In person at your local DTA office.
Community College Verification Form

Give this form to DTA
• By mail: DTA Document Processing Center, P.O. Box 4406, Taunton, MA 02780-0420
• By fax: (617) 887-8765
• Upload to the DTA Connect App
• In person at your local DTA office.

Student name: ___________________________ Last 4 of SSN or Agency ID: ____________

School name: ____________________________

This form is used to determine if the student can get SNAP benefits. The college can also give this information in a letter.

To be Completed by School:

1. Enrollment status: _____½ time or more_____less than ½ time_____not enrolled

2. Student’s Course of Study or Major: ____________________________
   The college considers this course of study or major to be:
   • A “career and technical education” program under the Carl D. Perkins Career andTechnical Education Improvement Act of 2006, and/or
   • A course of study that will lead to employment.
   Please indicate: ___YES ___NO

3. Participation in Work Study
   This student is or will be participating in a federal or state work study program. ___YES ___NO

Participating Community Colleges:

Berkshire Community College  Massasoit Community College  Quincy College
Bristol Community College  Mass Bay Community College  Quinsigamond Community College
Bunker Hill Community College  Middlesex Community College  Roxbury Community College
Cape Cod Community College  Mount Wachusett Community College  Springfield Technical Community College
Greenfield Community College  Northern Essex Community College
Holyoke Community College  North Shore Community College

_________________________________________  ________________________________
Signature of School Official  Date

_________________________________________
Print name  Title

Phone number

CCE-1 Form (Rev. 8/2017) 09-440-0817-05  This institution is an equal opportunity provider.
Educational Income and Expense Form
Massachusetts Department of Transitional Assistance

You may give us your verifications in any of the following ways:
- Mail your verifications to: DTA Document Processing Center, P.O. Box 4406, Taunton, MA 02780-0420
- Fax to (617) 887-8765
- Upload to the DTA Connect App
- In person at your local DTA office.

Head of Household Name __________________________________________
Head of Household Agency ID or last 4 of SSN __________________________

Part A For the Student: Complete and give to the Financial Aid Office.

Student Name __________________________________________
Student Date of Birth ________________________________________

Name of School __________________________________________

Student Authorization

I authorize my school to give information about my financial aid to the Department of Transitional Assistance. The Financial Aid Office may continue to give DTA information that might affect my public assistance throughout the school year.

Student Signature ___________________________ Date ________________

You may give us your verifications in any of the following ways:
Part B: For the School: Complete and send directly to DTA.

1. Student’s Financial Aid is for this enrollment period: ____________ Academic Year
   _____ Fall _____ Spring _____ Summer _____ Other (from ______ to ______)

2. Program Type: _____ Associate _____ Bachelor _____ Graduate _____ Certificate
   ____________________ Other (specify)

3. Expected Date of Graduation: ________________________________

4. Enrollment Status: _____ ½ time or more _____ less than ½ time

5. Does this student receive financial aid through a MASS Grant? _____ YES _____ NO

6. Does this student participate in federal work study during the school year? _____ YES _____ NO
   NOTE: “Yes” must only be designated if the student is actively participating in federal work study. If the student was awarded federal work study but is not actively participating in federal work study (for example, a position has not been designated), “No” must be designated.

7. Does this student receive non-federal grants, loans or scholarships?1 _____ YES _____ NO

8. Does this student live on campus? _____ YES _____ NO
   a.) If YES: How much is this student charged for living expenses (room and board)? $________
   b.) Does the student have a meal plan designated to cover 2/3 of their meals? _____ YES _____ NO
   c.) Is any portion of living expenses covered by a non-federal funding source? _____ YES _____ NO If YES: How much? $ ____________________

________________________________________  __________________________  ________________
School                                      Telephone                                   Date

________________________________________  __________________________
Financial Aid Office Signature              Print Name

1 Including, but not limited to, Gilbert Grant, MA Performance Bonus, MA No Interest Loan, MA Part-time or Cash Grant, and Institution Grants.

This institution is an equal opportunity provider.
Instructions

If you lost food that you bought with your SNAP benefits because of a fire, flood, loss of electricity, broken refrigerator/freezer, or other disaster, we may be able to replace your SNAP benefits. The most we can replace is one month of SNAP.

To request replacement SNAP:

- You must report the loss within 10 days of the food loss. You can do this by phone or in writing. If you get cash benefits, call your case manager. If you only get SNAP, call us at 1-877-382-2363. You can also mail or fax your report using the address or fax number in the box above.

- You must then complete this form and submit it to DTA. DTA must get it within 10 days after you reported the loss of food. (If you submit this form within 10 days of the food loss, you do not need to make a separate report first.)

- DTA will confirm what happened by contacting a third party or visiting your home and will issue replacement SNAP if you are eligible.

- DTA must issue replacement SNAP quickly: either within 10 days of getting your report of the food loss, or within 2 business days of getting the completed form – whichever is later.
Request for Replacement SNAP Benefits Due to Household Disaster or Misfortune for Massachusetts Residents

Client’s name __________________________ Client ID or last 4 of SSN ______________

Address ______________________________________

(_____) ________ - __________________

Phone Number

I lost food bought with my SNAP benefits worth $__________ because of a household disaster or misfortune that happened on _____/______/_______.

Date

The household disaster/misfortune was: __________________________________________________

________________________________________________

The information I gave is true to the best of my knowledge. I understand that making a false or misleading statement on this form on purpose could be a crime (perjury) or an Intentional Program Violation (IPV). A person found to have committed an IPV will be ineligible for SNAP for 1 year for the first IPV, 2 years for the second IPV, and permanently for the third IPV.

_____________________________ __________/_____/__________
Client signature Date

For DTA only. DTA confirmed the household disaster or misfortune by:

Home Visit on _____/_____/__________

Date

Collateral Contact with ____________________________ on _____/_____/__________

Date

Documentation from ____________________________ on _____/_____/__________

Community Agency Date

_____________________________ __________/_____/__________
Department Representative Date

This institution is an equal opportunity provider.
As a homeless individual, you might be exempt from the ABAWD Work Program requirement. Use this form to tell us about your situation so we can determine if you are exempt. Give the completed form to DTA. If you have questions or need help, call DTA at (877) 382-2363.

**Section 1: Client Information**

Name: ____________________________________________________________

Address: __________________________________________________________

Phone Number: ___________________________ Agency ID or Last 4 digits of SSN: __________

**Section 2: Check the box next to your response to each question below.**

1) Do you have a stable night time residence?
   
   __Yes __ No __ I prefer not to answer

2) Do you have a high school diploma or equivalency (GED or HiSet)?
   
   __Yes __ No __ I prefer not to answer

3) During the last 3 years, have you been steadily employed for at least 6 months or a full-time student for at least 6 months?
   
   __Yes __ No __ I prefer not to answer

4) Do you regularly access health care that you need, such as dental care, psychiatric care, and treatment for an ongoing illness?
   
   __Yes __ No __ I prefer not to answer

5) Have you been hospitalized during the last 6 months?
   
   __Yes __ No __ I prefer not to answer

**Section 3: Signature**

Signature ___________________________ Date ___________________________

This institution is an equal opportunity provider.
The above listed individual requests verification of their physical or mental condition and/or participation in your program. Please complete this form. You or the patient/participant should return it to the DTA address listed above:

<table>
<thead>
<tr>
<th>Question</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Is this individual pregnant?</td>
<td><strong>yes</strong> no</td>
</tr>
<tr>
<td>If yes, due date?</td>
<td><strong>/</strong>/________</td>
</tr>
<tr>
<td>2) Is this individual a participant in a vocational rehabilitation program, a mental health counseling program, or a drug or alcohol treatment or counseling program?</td>
<td><strong>yes</strong> no</td>
</tr>
<tr>
<td>If yes, program Start Date:</td>
<td>______________</td>
</tr>
<tr>
<td>Anticipated program end date:</td>
<td>______________</td>
</tr>
<tr>
<td>3) Does this patient have a mental and/or physical illness or disability, temporary or permanent, which reduces his or her ability to financially support him or herself?</td>
<td><strong>yes</strong> no</td>
</tr>
<tr>
<td>Onset Date:</td>
<td>______________</td>
</tr>
<tr>
<td>If yes, please indicate the duration of the patient’s illness/disability (from today’s date)</td>
<td>______________</td>
</tr>
<tr>
<td>__ less than 30 days __ 1-3 months __ 3-6 months __ 6-9 months __ 9-12 months __ more than 12 months/or indefinite</td>
<td></td>
</tr>
</tbody>
</table>

I certify that the information provided above is true and accurate.

__________________________     ________________________________  ___/_____/_____________
Name (please print)        Title/profession**   Date form signed

__________________________      _______________________________      ______________________
Signature           Address     Phone

** This form may be signed by any of the following: physician, physician’s assistant, designated representative of the physician’s office, nurse practitioner, osteopath, licensed or certified psychologist, drug and alcohol abuse counselor, certified mental health counselor, licensed independent clinical social worker, licensed certified social worker, and certified midwife. For purposes of verifying an individual’s participation in a rehab or counseling program (question #2), the director of the program or the individual’s counselor may also sign this statement.

This institution is an equal opportunity provider.
<table>
<thead>
<tr>
<th>Eligibility Factor</th>
<th>Document Options</th>
<th>Information to Know</th>
</tr>
</thead>
</table>
| **Identity of the head of household** (the person whose name is on the application) | Documents that confirm *who you are*, such as:  
  - Driver’s license or Mass. ID  
  - Birth certificate or hospital birth record  
  - Passport  
  - Other government or court documents  
  - School or work records  
  - Any other document that shows who you are | Only the head of household must verify identity.  
If you have been on SNAP before in Massachusetts, DTA should not ask you to prove your identity again.  
**106 C.M.R. § 361.610(G)**  
Note: DTA can also confirm your identity by running your name, DOB and SSN through Social Security |
| **Mass. residence** | Document with your *name* and *current address* such as:  
  - Lease, rent receipt or Landlord Verification form  
  - Deed or mortgage statement  
  - Utility bill  
  - Mass. driver’s license or Mass. ID with current address  
  - Voter registration  
  - Statement from someone you live with  
  - Statement from someone who knows where you live | DTA should first try to confirm your residence through the Registry of Motor Vehicles if you have a MA state ID or driver’s license.  
DTA should not require a statement from your landlord if you have other proof of residence.  
If you just came to the area, and you are homeless or you are a migrant worker, you do not need to verify residence.  
**106 C.M.R.§ 361.610(H), 106 C.M.R. § 362.120** |
| **Current earnings** | Proof of *pay received in the 4 weeks* before you applied for SNAP (unless you just started work), including:  
  - Paystubs or pay envelopes  
  - A letter from your employer showing gross income.  
  - Other proof of gross income (before taxes) | DTA can get this proof on its own if your employer uses “The Work Number” (also called “Equifax”). DTA will tell you on notices if they used Equifax to prove your earnings.  
If you go in person to a DTA office and meet with a DTA worker, they should offer to contact your employer directly.  
DTA should not require you to provide proof of the number of hours you have worked unless you are a non-exempt ABAWD or are showing you are an eligible college student through work. |
| **Last day of work and earnings from a job that has ended** | Proof of *pay received* in the cyclical month of your SNAP application, and verification that the job ended – if it is difficult for you to get a letter from your employer or other verification that your job ended, ask DTA in writing to contact your employer. | If your last day of work was within the cyclical month of your application, DTA will need to know when you were last paid and how much you were paid. This income counts for the first month of your SNAP. If your last day of work was within the past 60 days- and you are subject to the SNAP work rules - DTA may ask you why you left your job. If you “voluntarily quit,” DTA may delay the start date of your SNAP. Contact MLRI if DTA says you voluntarily quit. See Question 57 and 76.  
106 C.M.R. § 364.300, 106 C.M.R. §365.840, 106 CMR §364.110 |
| --- | --- | --- |
| **Self-employment** | Proof of your *gross and your net profit income* (after business expenses but before FICA and income taxes). Proofs can include:  
- Tax returns (Schedule C)  
- Accountant statement  
- Other records that show your business income and expenses.  
- Other proof of income. See Note.  
If you have *rental income*:  
- Statement if you spend 20 hours or more per week managing the rental unit(s),  
- Proof of mortgage (including principal and interest)  
- Bills for taxes, insurance, water, sewer, maintenance, and/or repairs  
- Utility bills if you pay utilities for rental unit(s)  
Try to identify and verify all your business expenses to reduce the amount of countable income.  
NOTE: If you have not filed tax returns, any other document that reasonable proves your income should be accepted. This can include a sworn statement of your income in some cases.  
106 C.M.R. § 365.940. | NOTE: If you cannot get proof of income, ask DTA to contact your employer or a third party directly. SNAP rules require DTA to accept the best evidence available for verification of income, which could be a self-declaration if neither you nor DTA can get other proof.  
106 C.M.R. § 361.610(A) and 106 C.M.R. §363.210(G)(3): “If all attempts to verify gross income are unsuccessful because the person or organization providing the income has failed to cooperate with the household and the Department, and all other sources of verification are unavailable, the Department shall determine the amount to be used for certification purposes based on the best available information.” |
| **Unearned income** | Proof of *unearned income received on a regular basis*.  
DTA uses data bases to confirm your Social Security, Unemployment or Child Support through the Department of Revenue. You should NOT be asked for an award letter.  
If you have other unearned income – such as a pension or workman’s compensation – DTA will ask you to send proof, such as a:  
- Benefit or award letter  
- Check or record of payment  
- Statement from the agency making payments | DTA should only ask for proof of Social Security, Unemployment or child support if they can’t get this from a database, OR the information they have does not match what you reported.  
| **No income** | If you have zero income, you are only required to self-declare this on the SNAP application. [106 C.M.R. 363.210(A)](https://www.mass.gov/esite/106certain.mass.gov/106certain.mass.gov) | If DTA has a good reason to believe you may be hiding income, they can ask you for additional information to understand how you are managing. [106 C.M.R. 363.210(E)](https://www.mass.gov/esite/106certain.mass.gov/106certain.mass.gov)  
They must document their reasons in the file. Be sure to explain to the DTA worker if you owe back rent, are borrowing money from family or friends, running up a credit card, or other reason. Unless questionable, your statements should be accepted. See Question 18. |  |
| **Disability** | If you *claim you are disabled* on the application:  
- DTA will use proof of your Social Security, SSI or EAEDC as proof of disability (depends on severity of disability for EAEDC).  
- If you get MassHealth coverage based on a disability, DTA should confirm that directly with MassHealth. | NOTE: You only need to prove disability if you are under age 60 and you are claiming a work exemption, a special immigrant exemption or to claim higher shelter costs or medical expenses.  
| **Assets** | If you are a rare household subject to the asset test:  
Documents showing the value of the asset and proof if you cannot access the asset | There is NO asset test in SNAP for most SNAP households. The only time you are asked about assets is when you are seeking expedited (emergency) SNAP benefits or if a household member has been disqualified due to an Intentional Program Violation. See Question 67. |  |
<table>
<thead>
<tr>
<th><strong>Citizenship and Immigration status</strong></th>
<th>If you are a US citizen, including naturalized citizens, you can self-declare your citizenship. DTA should ask for proof only if questionable. If you are not a US citizen, and you are applying for SNAP benefits for yourself, examples of proof of immigration status include:</th>
</tr>
</thead>
</table>
| | • Permanent Resident Card (“green card”)  
| | • Employment Authorization Document  
| | • Temporary Resident Card  
| | • Arrival-Departure Record (I-94)  
| | • Stamp in Passport  
| | • Other document showing current or pending immigration status  
| | • Statement from an immigration attorney about current or pending status |

106 C.M.R. § 361.610(B).

NOTE: After getting your verification, DTA will confirm the immigration status through SAVE (federal database). See Question 48 if you have lost documentation of your legal status.

*DTA may ask you for additional proofs based on your household’s circumstances. Contact an advocate if you are concerned about what DTA asked you to prove, or your SNAP is being delayed or terminated as a result of issues with verifications.*
SNAP Know Your Rights fliers and additional SNAP resources

- **ABAWD** fliers and information: [MassLegalServices.org/ABAWD](https://MassLegalServices.org/ABAWD)

- **SNAP Medical Expense Deduction**, including Know Your Rights flier (English and Spanish) and rent calculation worksheet toolkit: [MassLegalServices.org/SNAP-medical](https://MassLegalServices.org/SNAP-medical)

- **College Students** and SNAP, including Know Your Rights fliers and a 3 minutes video: [Masslegalservices.org/food4students](https://Masslegalservices.org/food4students)

- **Veterans Outreach Fliers**: [Masslegalservices.org/SNAP4veterans](https://Masslegalservices.org/SNAP4veterans)

- **SNAP Know Your Rights Fliers**:
  - SNAP and Strikers (English and Spanish): [Masslegalservices.org/SNAPandstrikers](https://Masslegalservices.org/SNAPandstrikers)
  - SNAP and Dependent Care Expenses: [Masslegalservices.org/SNAP-dependentcare](https://Masslegalservices.org/SNAP-dependentcare)
  - Adult Foster Care: [Masslegalservices.org/content/adult-foster-care-and-snap](https://Masslegalservices.org/content/adult-foster-care-and-snap)
  - Foster Care (children): [Masslegalservices.org/content/foster-care-families-and-snap](https://Masslegalservices.org/content/foster-care-families-and-snap)

- **Authorized Representatives vs. Helping Agencies**: [Masslegalservices.org/content/helping-agency-vs-authorized-representative](https://Masslegalservices.org/content/helping-agency-vs-authorized-representative)

- **EDSAP Overview**: [Masslegalservices.org/EDSAP](https://Masslegalservices.org/EDSAP)

- **SNAP and the National School Lunch Program** – Household Composition and Income Flier: [Masslegalservices.org/NSLPvsSNAPincome](https://Masslegalservices.org/NSLPvsSNAPincome)

- **Added Benefits of SNAP flier** (in 5 languages): [Masslegalservices.org/addedbenefitsofSNAP](https://Masslegalservices.org/addedbenefitsofSNAP)

- **Public Charge Information**: [MassLegalServices.org/PublicCharge](https://MassLegalServices.org/PublicCharge)

- **SNAP calculators**: [Masslegalservices.org/content/food-stamps-snap-calculators](https://Masslegalservices.org/content/food-stamps-snap-calculators)
DEPARTMENT OF TRANSITIONAL ASSISTANCE
Permission to Access DTA Client Case Information

REQUEST FOR ACCESS TO CLIENT RECORD OF: _____________________________________
(Print Client’s Full Name)

1. Client Information:
   Date of Birth __ / __ / __ Address: ____________________________________________

   ______________________________________________

   Last 4 digits of SS#: __ __ __ __ or DTA “Agency ID” number: ________________

2. I hereby authorize _______________________________________________________
   (organization’s name and city/town)
   to have access to my DTA case record and case information, including any electronic
   records. I authorize this organization to discuss my application or benefits with a DTA
   case manager, supervisor, director or other DTA employee. This form is valid for 12
   months unless I have stated otherwise on this form or in other communication.

3. I hereby certify that I am the client named above.

   ___________________________________________   __________________________________
   Client Signature                       Date

→ Send through DTA Connect (DTA’s mobile app),
  Fax to (617) 887-8765,
  Mail to DTA Document Processing Center, P.O. Box 4406, Taunton, MA 02780 OR
  Bring in person to a local DTA office

• This form gives permission to helping organization or other third party to speak with DTA, and for DTA to
  share information about the client’s case. If client needs an authorized representative to sign DTA
  paperwork and/or get an EBT card to food shop, use DTA’s Image 10 form.

• Acceptable written authorization includes this form, a hand written statement or DTA’s Voluntary Consent
  to Release Information form (VARI-OI). Oral consent by the client (data subject) also acceptable. 106 CMR
  104.040.

MLRI Sample Release Form: Jan 2018
**Sworn Statement of Dependent Care Costs for SNAP**

You can use this form if you did not already **swear to your dependent care expenses** on your DTA application, interim report or recertification. If you give DTA this information, you do **not** need to give DTA more proof unless DTA decides the information you gave them is questionable.

<table>
<thead>
<tr>
<th>Name: ____________________________</th>
<th>DTA Agency ID or last 4 of SSN: __________</th>
</tr>
</thead>
<tbody>
<tr>
<td>Your Address: ______________________</td>
<td></td>
</tr>
</tbody>
</table>

I am responsible for $ ________ per week for care of the following children/disabled adults living in my household:

<table>
<thead>
<tr>
<th>Name</th>
<th>Weekly Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(list names)

These costs are for:

___ day care  
___ private child care costs  
___ after school program  
___ before school program  
___ other. Explain: -  

<table>
<thead>
<tr>
<th>Explain:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Weekly travel costs to and from care: ________ Bus/Train ________ Taxi  
________ Mileage (# of miles)

► I swear that the above information about my monthly dependent care costs is true to the best of my knowledge and belief:

Signature: ____________________________  Date: ____________________________
Sworn Statement of Shelter Costs for SNAP

You can use this form if you did not already swear to your shelter expenses on your DTA application, interim report or recertification. If you give DTA this information, you do not need to give DTA more proof unless DTA decides the information you gave them is questionable.

Name: ____________________________ DTA Agency ID or last 4 of SSN: ___________

Your Address: ________________________________________________________________

If you pay rent: I am supposed to pay $________ per month.

My utilities are (check what you pay for):

___ I pay for heat separate from rent
___ Heat is included in rent, but I pay for air conditioning (electricity or service fees)
___ Heat and AC costs are included in rent, but I pay for other utilities
___ I get Fuel Assistance for part of my rent or heat
___ I pay no heat or utilities, I only pay for phone

If you share housing costs with others or live in a “doubled up” situation:
My housing costs total: $________ per month

Does the rent/mortgage holder use a portion of your payment towards utility bills? ____YES _____NO

If yes: Monthly rent obligation: $______ Monthly utility obligation: $______ (for heat/AC, electricity, gas, water, etc)

If your payment goes towards utilities:

___ Part of my total payment goes to heat and air conditioning
___ Part of my total payment goes to other utilities (not heat or air conditioning)
___ OTHER ________________________________________________________________

If you own a home or condo:

Monthly mortgage payment: $______ (include the principal and interest payments)
Real estate taxes/month: $______ (divide annual or biannual to get monthly amount)
Fire/home insurance/month: $______ (divide annual or biannual to get monthly amount)
Condo ownership/month: $______ (mortgage, condo fees, etc)

Are you responsible for your heat and/or air conditioning costs? ____YES _____NO

► I swear that the above information about my monthly shelter costs is true to the best of my knowledge and belief:

Signature: ____________________________ Date: __________________________

Mass Law Reform Institute, Jan 2017
Appendix D

Cash and SNAP Benefits for Noncitizen Households

- Eligibility Chart by Immigration Status
- DTA Brochure: What Noncitizens Need to Know
## Cash and Food Stamp/SNAP Eligibility Chart
### By Immigration Status for Massachusetts Residents

<table>
<thead>
<tr>
<th>Immigrant Status</th>
<th>Food Stamps/SNAP</th>
<th>EAEDC Cash Assistance</th>
<th>TAFDC Cash Assistance</th>
<th>Supplemental Security Income (SSI)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>U.S. citizens (born in the United States or naturalized) and Native Americans</strong></td>
<td>Eligible</td>
<td>Eligible</td>
<td>Eligible</td>
<td>Eligible</td>
</tr>
<tr>
<td><strong>Refugee, asylee, Cuban/Haitian entrant, person granted withholding of deportation or removal, Amerasian immigrant, and Iraqi and Afghan Special Immigrant Visa holders</strong> (this list is referred to elsewhere in this chart as “refugee group”)</td>
<td>Eligible</td>
<td>Eligible</td>
<td>Eligible</td>
<td>Eligible for 7 years from date of “entry” into status. Eligible indefinitely if: • received SSI or had application pending on 8/22/96; • lawfully resided in U.S. on 8/22/96, and is disabled; or • LPR credited with 40 Qs of work and lived in the U.S. as qualified immigrant for five years.*</td>
</tr>
<tr>
<td><strong>Lawful permanent resident (LPR) and parolee (if granted parole for at least one year)</strong></td>
<td>Eligible if immigrant: • under age 18; • adjusted from refugee group status; • lived in U.S. as qualified immigrant* for five years; • receives a cash or medical disability-based benefit; • “lawfully resided” in the U.S. and was 65 on 8/22/96; or • LPR credited with 40 Qs of work</td>
<td>Eligible</td>
<td>Eligible if: • adjusted from refugee group status; • physically entered the U.S. before 8/22/96; • lived in U.S. as qualified immigrant* for five years; or • Is a battered noncitizen (see below)</td>
<td>Eligible if: • received SSI or had application pending on 8/22/96; • lawfully resided in U.S. on 8/22/96, and is disabled; or • LPR credited with 40 Qs of work and lived in the U.S. as qualified immigrant* for five years.</td>
</tr>
<tr>
<td><strong>Victim of Trafficking in persons</strong></td>
<td>Eligible</td>
<td>Eligible</td>
<td>Eligible</td>
<td>Same as refugee group</td>
</tr>
</tbody>
</table>

*In this context “qualified immigrant” means (1) lawful permanent resident, (2) parolee for at least one year, (3) refugee group, or (4) battered noncitizen.
<table>
<thead>
<tr>
<th>Immigrant Status</th>
<th>Food Stamps/SNAP</th>
<th>EAEDC Cash Assistance</th>
<th>Transitional Aid to Families with Dependent Children (TAFDC)</th>
<th>Supplemental Security Income (SSI)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Battered noncitizens, and their children/parents</strong></td>
<td>Eligible if:</td>
<td>Eligible</td>
<td>Eligible</td>
<td>Eligible if:</td>
</tr>
<tr>
<td>(including Violence Against Women Act self-petitioners, family petitioners, and lawful permanent residents who have been abused)</td>
<td>• lived in the U.S as qualified immigrant* for 5 years;</td>
<td></td>
<td></td>
<td>• received SSI or had application pending on 8/22/96;</td>
</tr>
<tr>
<td></td>
<td>• under age 18;</td>
<td></td>
<td></td>
<td>• lawfully resided in U.S. on 8/22/96, and is disabled; or</td>
</tr>
<tr>
<td></td>
<td>• receives a disability-based benefit;</td>
<td></td>
<td></td>
<td>• LPR credited with 40 Qs of work and has lived in the U.S. as qualified immigrant* for five years.</td>
</tr>
<tr>
<td></td>
<td>• “lawfully resided” in U.S. and was 65 on 8/22/96; or</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• LPR with 40 Qs of work</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Lawfully residing Veteran, active-duty service member, spouse, &amp; dependent children</strong></td>
<td>Eligible if a qualified immigrant*</td>
<td>Eligible</td>
<td>Eligible</td>
<td>Eligible if:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• LPR credited with 40 Qs of work and has lived in the U.S. as qualified immigrant* for five years.</td>
</tr>
<tr>
<td><strong>Immigrant permanently residing in U.S. under color of law (PRUCOL)^</strong></td>
<td>No (unless also a battered noncitizen, Cuban/Haitian entrant)</td>
<td>Eligible</td>
<td>No (unless also a battered noncitizen, Cuban/Haitian entrant, or veteran in lawful status)</td>
<td>No (unless receiving SSI or application pending on 8/22/96)</td>
</tr>
<tr>
<td><strong>Non-immigrant (tourist, student)</strong></td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td><strong>Undocumented/out of status</strong></td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Under federal law, all non-citizens regardless of immigration status are eligible for the following:

- Federally funded National School Lunch Program (NSLP), School Breakfast Program (SBP) and other child nutrition programs, Head Start programs.
- Women, Infant and Children (WIC) program for pregnant and breastfeeding women, infants and children under age 5.
- Meals on Wheels and other elder nutrition programs
- Other non-means-tested food provided at the community level, such as TEFAP and MEFAP funding for food pantries, food provided at homeless shelters, child protection services, and domestic violence, mental health, and substance abuse treatment programs

^ PRUCOL: Refers to immigrants who are considered “permanently residing in the United States under color of law.” Immigrants are often considered PRUCOL under certain programs if they are known to the USCIS and the USCIS does not presently contemplate enforcing their departure. PRUCOL is not an immigration status and will not appear as a term on any immigration documents. PRUCOL immigrants often have employment authorization (EAD) or some other proof of granted immigration status or a pending status. Examples of immigrants who are considered PRUCOL include - but are not limited to - persons granted or with an application pending for Temporary Protected Status (TPS) or Deferred Action status, under Order of Supervision, with a pending application for Legal Permanent Residency, Asylum applicants, U Visa recipients and applicants (victims of violence) and others.

Produced by the Massachusetts Law Reform Institute and Greater Boston Legal Services

Updated: March 2019
You have the right to interpreter services.

Be sure to read Your Right to Interpreter Services brochure as well as the other program brochures. These contain important information.

If you have trouble understanding them, your case manager can help.
WHAT A NONCITIZEN NEEDS TO KNOW

Your children may be eligible for Cash and/or Supplemental Nutrition Assistance Program (SNAP) benefits even if you are not.

Don’t be afraid to apply for benefits for yourself or your family. Even if you are ineligible for benefits due to immigration status, we will not report you to immigration authorities unless you provide us with a final order of deportation.

If you feel you cannot give us information about your immigration status, you will be ineligible for benefits. Your family members may still be able to receive benefits. Once you tell your case manager that you cannot give us this information, your case manager will stop asking you about your status.

BUT, your case manager must ask you other questions about you, including where you live, your income, child support, etc. We need this information to decide benefit eligibility for your family members. Your income and assets may be counted in determining eligibility and the amount of your family’s benefits.

Certain legal permanent residents (LPR) applying for SNAP benefits may be asked about their sponsor. If you are in a household with disqualified members, the sponsor’s income and assets may be used in deciding SNAP eligibility and the benefit amount. In addition, certain non-SSI disabled and elder households may continue to be subject to sponsor deeming.

REMEMBER: If you do not tell us your immigration status, your benefits may be lower than they should be.

If you have questions about your immigration status or how receipt of benefits affects your ability to adjust your status or any other questions, you can call one of the agencies listed on the Noncitizens Resources brochure.
Appendix E

Legal Services Offices
Massachusetts Legal Services Offices

**Intake and Referrals for Clients**

Eastern Region Legal Intake (ERLI)  Boston..........................................617-603-1700

**Regional Legal Services Offices**

Community Legal Aid/Central West Justice Center

Northampton.................................................................413-584-4034
Pittsfield .................................................................413-499-1950
Springfield .................................................................413-781-7814
Worcester .................................................................508-752-3718


Community Legal Services & Counseling Center, Camb. .................................................617-661-1010

Greater Boston Legal Services, Boston ............ 617-371-1234; 800-323-3205

GBLS/Cambridge & Somerville Legal Services, Camb...........617-603-2700

MetroWest Legal Services, Framingham .........................508-620-1830; 800-696-1501

Northeast Legal Aid/ Northeast Justice Center

Lawrence, Lowell, and Lynn ................................. 978-458-1465; 800-336-2262

South Coastal Counties LS /Justice Center of Southeastern Mass. ..........800-244-9023

Brockton .................................................................508-676-6265
Fall River .................................................................508-676-6265
Hyannis .................................................................508-775-7020
New Bedford ..........................................................508-979-7150

Volunteer Lawyers Project, Boston .........................617-423-0648

**Law School Clinics**

Boston College Legal Services Lab, Newton.................................................617-552-0248

Harvard Legal Aid Bureau, Cambridge.................................................617-495-4408

Legal Services Center, Jamaica Plain .................................................617-522-3003

**Statewide Legal Services and Support Centers**

Center for Law and Education .................................................617-451-0855
Center for Public Representation .................................................413-587-6265
Children’s Law Center of Mass .................................................781-581-1977
Disability Law Center .................................................617-723-8455; 800-872-9992
Health Law Advocates .................................................617-338-5241
Mass. Advocates for Children .................................................617-357-8431
Massachusetts Law Reform Institute .................................................617-357-0700; 800-717-4133
Mental Health Legal Advisors Committee ................. 617-338-2345; 800-342-9092
National Consumer Law Center .................................................617-542-8010
Prisoners Legal Services .................................................617-482-2773
Veterans Legal Services (serves Greater Boston) ................. 857-317-4474

**Legal Resource Finder – Online Resource**

Please visit www.MassLRF.org (Legal Resource Finder) for a listing of legal services programs in Massachusetts and for referrals to additional sources of legal help.