



Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Transitional Assistance
600 Washington Street • Boston, MA 02111

JANE SWIFT
Governor

ROBERT P. GITTENS
Secretary

CLAIRE MCINTIRE
Commissioner

Field Operations Memo 2001- 38
December 27, 2001

Transitional Assistance Office Staff

From:

 Cescia Derderian, Acting Assistant Commissioner for Field Operations

Food Stamp and TAFDC Eligibility for Drug Felons

Background

The state FY 2002 budget recently passed by the Legislature changes the current cash and food stamp regulations which make convicted drug felons ineligible. Revised regulations are being drafted and will be issued in the near future. Until those revised regulations are issued, TAO staff should follow the instructions in this memo in determining the eligibility of individuals who are convicted drug felons.

Food Stamp Benefits

Drug felons are no longer ineligible for Food Stamp benefits. The regulation currently found at 106 CMR 367.800(D) is being removed and should no longer be followed. The eligibility of drug felons for food stamp benefits should be determined without any consideration of their drug felony conviction.

TAFDC Benefit

Drug felons are no longer totally ineligible for TAFDC. Drug felons who were convicted for conduct which occurred after August 22, 1996 and who are otherwise eligible, are eligible for TAFDC if:

they are exempt under 106 CMR 203.100 or have a Domestic Violence waiver under 106 CMR 203.110; or

their incarceration for their drug conviction ended at least twelve months ago.

NOTE: Not all drug convictions result in incarceration. If a drug felon was not sentenced to a period of incarceration, there

**TAFDC Benefit
(Continued)**

is no period of ineligibility.

Applicants and recipients who were convicted of a drug felony for conduct that occurred after August 22, 1996 and who were incarcerated for this conviction must verify the date of their conviction and the date their incarceration ended.

Effective Date

These changes are effective retroactive to July 1, 2001.

Food Stamp and TAFDC assistance units which contain an individual ineligible due to the drug felon provision should be reviewed at the next reevaluation and if the individual is otherwise eligible, they should be added to the assistance unit(s) effective July 1, 2001.

If an application was denied on or after July 1, 2001 because of the drug felon provision and the individual comes to the office to reapply, assistance should be approved as of July 1, 2001 or the date of eligibility, whichever is later.

Questions

If you have any policy or procedure-related questions, have your Hotline designee call the Policy Hotline at (617) 348-8478. Systems-related questions should be referred to the Customer Service Center at (617) 348-5290.
