



## **SNAP 201-1**

### **HOUSEHOLD COMPOSITION**

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**Supersedes:** SNAP Policy 201-1 10/15/2021

**Reference:** 7 CFR 273.1; 7 CFR 281.1(c); 7 CFR 273.11

#### **Overview:**

The eligibility staff member determines the required SNAP filing and assistance unit members based on the criteria in this policy.

#### **SNAP HOUSEHOLDS:**

A number of living situations determine the SNAP household composition.

1. An individual or family living alone or in a:
  - a. housing facility federally subsidized for the elderly;  
**NOTE:** The individual does not have to be elderly. The requirement is to be a resident of federally subsidized housing for the elderly.
  - b. chemical dependency treatment center (SNAP 201-7);
  - c. licensed group home that serves no more than 16 residents receiving blind or disability benefits (SNAP 201-6);  
**NOTE:** Blind or disability benefits as defined in SNAP 0-4
  - d. shelter for battered individuals and children (SNAP 201-8); or,
  - e. public or private nonprofit shelter for homeless people.  
**NOTE:** Residents of a shelter serving meals for the homeless are not considered residents of an institution as long as the shelter is a nonprofit agency. Eligibility is not dependent on the shelter being approved by Food and Nutrition Service (FNS).

2. An individual or family living with others but purchases and prepares food separately.
3. A group of individuals living together and purchases and prepares food together.
4. An individual age 60 years old or older (and spouse) living with others may be a separate household if:
  - a. the individual (or couple) is unable to prepare meals because of a permanent disability (as defined by the Social Security Act) or a severe permanent disability not related to a disease; AND,
  - b. the individual (or couple) lives with others whose gross income does not exceed 165% of the poverty level for its household size (SNAP 001).

**NOTE:** The elderly/disabled individual's (and spouse's) income is excluded when making the income determination.

#### **INELIGIBLE HOUSEHOLDS:**

The following households are ineligible if:

1. Any required filing unit member is on strike;  
**EXCEPTION:** If the household was eligible for SNAP benefits the day prior to the strike and is otherwise eligible at the time of application, the household may be eligible for benefits. The benefit is not increased because of the decreased income of the striking member. Compare the striking member's income before the strike to the striker's current income. The higher of the two incomes is countable income (SNAP 501-1).
2. All members are disqualified; or,
3. The household fails to meet financial or non-financial eligibility requirements.

#### **EXCLUDED HOUSEHOLD MEMBERS:**

Individuals excluded from the filing unit:

1. Boarders paying an adequate amount (thrifty food plan) for their meals unless the household requests they be included in the assistance unit. Boarders' income and resources are countable when they are included in the assistance unit. Boarder status cannot be granted to spouses or to parents and children under the age of 22 years residing in the same household (SNAP 201-4 and SNAP 503-1). Boarder status cannot be granted to individuals under age 18 under the parental control of an adult household member.
2. Roomers are individuals who receive lodging but not meals for compensation from a household (SNAP 501-1 and SNAP 503-1). They may participate as separate households.

3. Live-in attendants whether or not they purchase and prepare their food separately from the household they provide medical, housekeeping, childcare or similar personal services.

**NOTE:** Live-in attendants may receive benefits separately on their own case.

There is the possibility the household who they provide services for receives benefits on one case, and the live-in attendant receives benefits on another case even though they do not purchase and prepare food separately.

4. Ineligible students (SNAP 201-5).
5. Other individual(s) or families living with the household but purchase and prepare food separately.
6. Individuals residing in an institution providing more than half of their meals each day as part of the institution's normal services. This includes students living on or off campus, who buy a meal ticket from the institution when the amount of purchased meal ticket equals more than half of their meals each day. It does not matter if the purchase of the meal ticket is required or by choice. If a student eats or purchases more than 50 percent of his/her meals on campus, he/she is considered a resident of an institution and therefore, not eligible for participation in SNAP. The OPA discusses with the student the number of meals the student anticipates eating/ purchasing on campus and determines whether or not the number of meals purchased exceeds 50 percent of three meals daily in any given month.
7. Foster children the household chooses not to include in the SNAP assistance unit.
8. Individuals detained in federal, state or local penal correctional facilities or other detention institutions for the majority of the month.  
**NOTE:** Individuals on house arrest or living in the home under probation or parole are eligible as long as they meet all financial and non-financial requirements.
9. Individuals who have received benefits in another state or benefits from the Food Distribution Program on Indian Reservations (FDPIR).

### **MAJORITY OF THE MONTH:**

An individual is a household member when the individual is residing in or is anticipated to reside in the household for the majority of the month.

### **REQUIRED HOUSEHOLD MEMBERS (FILING UNIT):**

Individuals required to be included in the filing unit:

1. All household members who purchase and prepare food together (FILING UNIT) unless specifically excluded based on criteria for Excluded Household Members of this manual section.
2. The following must be **CONSIDERED ONE HOUSEHOLD** even if they purchase food and prepare food separately unless ineligible per policy for “Required Members Ineligible” for SNAP in this manual section.
  - a. Spouses residing together unless otherwise excluded (e.g., ineligible student, probation/parole violator, etc.). Spouses are included in the household when the spouse is in the household for any part of the month. If same sex couples marry in a jurisdiction recognizing same sex marriage, they are considered spouses. Same sex marriage is permissible under Montana law. The state of Montana recognizes same sex marriages performed in other jurisdictions.

NOTE: **COMMON LAW MARRIAGE:** In Montana, a couple who have not gone through a formal marriage ceremony may enter into a legally binding common law marriage. Each of the parties must be old enough to marry and not married to anyone else to enter into a valid common law marriage.

- i. For a common law marriage to exist, **3 elements must be present:**
  1. Consent and agreement - the man and woman must have mutually agreed and consented to enter into a marriage relationship.
  2. Competency - both were legally competent to enter into a marriage; and
  3. Cohabitation - holding themselves out as married.
- ii. **We cannot consider someone as “married” just because they file their taxes jointly.** For individuals who file taxes as jointly, we may consider them as married for ALL programs, if all the 3 elements listed above are present. Keep in mind that both adults must attest to being in a common law marriage. When reviewing the DOR interface, remember that you are looking at last year’s tax information and the household’s circumstances may have changed (members become separated, filing for divorce, etc.). Marital status should be discussed, and case noted clearly. **For SNAP, if individuals file their taxes as jointly and report they purchase and prepare their food separately, we must honor their statement.** CSCs may refer households to the IPV unit, if they are skeptical of the information provided by the client.
- iii. There may be times that a client applies for benefits and does not intend to file taxes with their significant other. We must honor their

statement for all programs, keeping in mind that circumstances may change throughout the year.

- b. Children under 22 years of age, living with their natural, adoptive or stepparents. Parents and children must be in one SNAP household even if the child under 22 years old has their own children or a spouse living with them.

Some circumstances allow for separate households. Follow this guidance and process when determining whether parents and children under 22 are “living together” in order to determine if they must participate as one household:

- Parent or adults and their children under age 22 who share the kitchen, bathroom, or living area live together and must be one household. Living areas is defined as the living room or bedroom of the residence.
- A child under age 22 who lives on the parent's property in a separate structure, such as an apartment over the garage or in a camper is included in the household if they use the kitchen, bathroom or living area of the parent's residence every day.
- A child under age 22 who lives on the property but does not share kitchen, bathroom or living area is probably not part of the same household.
- There is no requirement that applicants have cooking facilities as a prerequisite for SNAP participation.
- The Eligibility Staff member documents in case notes the basis for its household composition determination.

**Children who are living in more than one SNAP household during the month are considered a member of the household providing or that is responsible for providing the majority of their meals in the month.**

In joint custody cases when a child spends equal time with both parents, the Eligibility Staff member discusses options with the households and allows Mom and Dad to choose what is more advantageous to them. They could alternate having children in one or the other's household monthly, every other month, quarterly, every six months, or yearly. **If only**

**one parent is applying for SNAP benefits, there is not an issue of alternating children in one or the other's household.**

If a child or children are included on an application, change report, simplified report or recertification, and they are already receiving SNAP benefits on another case, the household (HH) composition of the NEW household is questionable and must be verified. The new HH must verify conclusively that the child(ren) are in their HH and NOT in the household where they are currently receiving benefits. Children cannot be removed from a case unless both households agree to the changed living arrangement OR we have compelling verification from a third party – for example, Child and Family Services, a court order, or result of a fraud investigation.

- c. Minors less than 18 years of age (excluding foster children) living under the parental control of an adult household member (SNAP 201-2).
- d. Boarders not paying an adequate amount for their food (SNAP 204-1).  
The thrifty food plan is used to define 'adequate amount'.

#### **REQUIRED MEMBERS INELIGIBLE FOR SNAP:**

Disqualified individuals required in the filing unit but are not part of the assistance unit.

1. Individuals who fraudulently misrepresented identity or residence in order to receive multiple benefits at the same time. These individuals are ineligible to participate in SNAP for 10 years for the first and second offenses, and permanently for the third offense.
2. Individuals convicted of trafficking SNAP benefits of \$500 or more. These individuals are permanently disqualified from receiving SNAP benefits.
3. A fleeing felon is determined when a Federal, State or local law enforcement officer acting in his or her official capacity presents an outstanding felony arrest warrant that conforms to one of the following National Crime Information Center Uniform Offense Classification Codes:
  - a. Escape(4901);
  - b. Flight to avoid (prosecution, confinement, etc.) (4902); or
  - c. Flight-Escape (4999)
4. To be considered a probation or parole violator, an impartial party (P&P Officer or other law enforcement officer) must determine that the individual violated a condition of his or her probation or parole imposed under Federal or State law

and that Federal, State, or local law enforcement authorities are actively seeking the individual to enforce the conditions of the probation or parole.

**The following conditions/policies apply to both fleeing felons and probation and parole violators defined in #3 and #4 above:**

*Actively seeking:* Law enforcement must be actively seeking the individual, defined as:

- a. A Federal, State, or local law enforcement agency informs eligibility staff that it intends to enforce an outstanding felony warrant or to arrest an individual for a probation or parole violation within 20 days of submitting a request for information about the individual to the eligibility staff;
- b. A Federal, State, or local law enforcement agency presents a felony arrest warrant as described in #3 above for a fleeing felon; or,
- c. A Federal, State, or local law enforcement agency states that it intends to enforce an outstanding felony warrant or to arrest an individual for a probation or parole violation within 30 days of the date of a request from a State agency about a specific outstanding felony warrant or probation or parole violation.

*Verification:*

- a. In the case of an individual self-declaring that they are a fleeing felon or probation/parole violator, whether on the application, at the interview, or otherwise, eligibility staff must verify the information from an independent source before accepting the declaration as true since the applicant may not understand the question or law enforcement may not be actively seeking the individual.
- b. If an eligibility staff member needs to act on an application without determining fleeing felon or probation or parole violator status in order to comply with the application processing time frames, the eligibility staff shall process the application without consideration of the individual's fleeing felon or probation or parole violator status. This applies to expedited service as well.
- c. An individual is only a fleeing felon or a parole or probation violator for SNAP purposes if that individual meets the definition. Once the individual is not meeting the appropriate criteria, they may be certified. A new determination of

fleeing felon or probation or parole violator would need to be made each time the individual applies.

d. The Disclosure provisions are revised to ensure that the Privacy Act provisions and confidentiality provisions of the Act remain intact for individuals subject to the fleeing felon and parole or probation violator provisions. The law enforcement officer must furnish the eligibility staff with the name of the household member being sought. The provisions concerning the process of providing information to law enforcement officials only applies to legitimate law enforcement officers. Information about potential fleeing felons or parole or probation violators must not be released to non-law enforcement officials, e.g., bounty hunters, reporting possible violations by recipients or applicants.

e. Under simplified reporting, if an individual is determined to be a fleeing felon, probation or parole violator during a certification period, that individual must be disqualified from the program even though it might result in a decrease in benefits.

f. In determining the time period for establishing claims for individuals identified as fleeing felons or as probation or parole violators, an individual is not considered a fleeing felon, probation or parole violator until a determination has been made of their status. Therefore, the date of the determination of fleeing felon or probation or parole violator status would be the date from which any claims calculation would be made.

5. Individuals convicted for felony possession, use, or distribution of illegal drugs after August 22, 1996. **NOTE: The individual may be eligible to receive benefits if:**
  - a. the individual is complying with the conditions of supervision; or
  - b. the sentence associated with the felony conviction has been discharged; and,
  - c. if the person is actively participating in treatment, if required.
6. Individuals found guilty of Intentional Program Violation (IPV) through the Administrative Disqualification Hearing process (SNAP 1505-1) or Prosecution for Fraud.
7. Individuals found guilty in federal, state or local court of trading SNAP benefits for controlled substances or vice-versa. They are ineligible to participate in SNAP for 24 months for the first offense and permanently for the second offense.



8. Individuals found guilty in federal, state or local court of being involved in the sale or trade of firearms, ammunition or explosives for SNAP benefits or vice-versa. They are permanently disqualified from receiving SNAP benefits.
9. Aliens not meeting the definition of an eligible alien (SNAP 301a-2).
10. Individuals choosing not to provide a Social Security number (SNAP 303-1a).
11. Individuals disqualified due to work registration disqualification (SNAP 703-1).

**VERIFICATION OF STATUS OF # 3, 4, 5, 7 AND 8:**

An adult household member may verbally or in writing, under penalty of perjury, declare the status for each household member.

**NOTE:** If no adult household members will sign the Self Declaration of Status section on the application or recertification form and will not verbally answer questions regarding eligibility status, the application is denied.

If there is a change in a household member's Self Declaration of Status, the household is required to report it at recertification. If the OPA discovers during the certification period an individual may meet one of the statuses described, the household must be notified of the OPA's knowledge of the information and must be given the opportunity to dispute the information via a 10-day request for information notice. If the household does not respond, the case is closed for failing to provide information necessary to determine household composition and eligibility and/or level of benefits. The OPA provides the household timely notice of adverse action.

**NOTE: Eligibility staff members should not be seeking out information (e.g., initiating contact with law enforcement or parole officers, looking in newspapers, etc.) regarding drug felons or fleeing felons.**

An individual is disqualified as soon as the court enters a judgment even if a sentence will be imposed later or never imposed. If the judgment is guilty, the individual remains disqualified even if the sentence has been served. The status only changes if the conviction (SNAP 0-4), judgment, is expunged (removed from the individual's record) by court action.

**NOTE: Individuals convicted for felony possession, use, or distribution of illegal drugs after August 22, 1996 may be eligible to receive benefits if the individual is complying with the conditions of supervision or the sentence associated with the felony conviction has been discharged (served) and if the person is actively participating in treatment, if required. Self-Declaration of status is accepted as noted above.**

If an individual was 'convicted' and through a court action the reference to the conviction was removed, the individual is no longer considered 'convicted' for SNAP purposes. The individual can reapply and be certified for SNAP benefits if otherwise eligible. A record is considered clear when there is no longer any mention of the conviction on the criminal record. Any action taken against a minor in **youth court** cannot be considered a felony. A minor is only disqualified if treated as an adult and found guilty.

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