

**ALABAMA DEPARTMENT OF HUMAN RESOURCES  
FOOD ASSISTANCE DIVISION  
ADMINISTRATIVE CODE**

**CHAPTER 660-4-1  
SCOPE AND AUTHORITY**

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**660-4-1-.01**     **General.** All regulations, notices, and procedures for the certification of food assistance households and subsequent issuance of food assistance to eligible households are promulgated by the United States Department of Agriculture, Food and Consumer Services, Washington, D.C. The State of Alabama, Department of Human Resources, acting as agent of the United States Department of Agriculture, Food and Consumer Services, has no authority to unilaterally issue, amend, or invalidate instructions or regulations regarding certification or issuance of food assistance. All regulations and definitions in this section are invalid or amended insofar as they conflict with or are in variance with the United States Department of Agriculture, Food and Consumer Services regulations, notice, or instructions.

**Author:** Amy Plunkett

**Statutory Authority:** Food Stamp Act of 1977, 7 U.S.C. 2011 et seq; 7 C.F.R. 271 et seq; Code of Ala. 1975, §38-2-6(17).

**History:** Effective June 28, 1983. Amendment effective May 10, 1985. **Amended:** Filed November 1, 1995; effective December 6, 1995. **Amended:** Filed October 9, 2018; effective October 23, 2018.

**660-4-1-.02**     **Adoption By Reference Of Title 7 Code Of Federal Regulations.** The Department adopts by reference Title 7, Code of Federal Regulations, revised as of January 1, 1994, selected sections of Parts 271-274. The sections to be adopted by reference are specifically: 271.1 thru 271.7; 272.1; 272.3; 272.4 thru 272.6; 272.8 thru 272.11; 273.1 thru 273.6; 273.7(a),

(b), (g), (h), (i), (j), (l), (m), (n); 273.8 thru 273.15; 273.16(e)(8), (h)(2), (h)(3); 273.17; 273.21; 274.1 thru 274.11; 280.1 and all of same as may be amended. A copy of the adopted Code of Federal Regulations is contained in Appendix A. Also adopted by reference are Waivers 950032, 900017, and 950059. A copy of the adopted waivers is contained in Appendix B. Copies may be obtained for a cost at the Department's principle office, generally referred to as the Food Assistance Division, which is located at S. Gordon Persons Building; 50 Ripley Street; Montgomery, Alabama 36130-1801.

**Author:** Amy Plunkett

**Statutory Authority:** Food Stamp Act of 1977, 7 U.S.C. 2011 et seq; Code of Ala. 1975, §38-2-6(17); 7 C.F.R. Subtitle B Chapter II Subchapter C.

**History:** Effective June 28, 1983. Amendment effective May 10, 1985. Emergency amendment effective October 2, 1986. Permanent amendment effective January 30, 1987. Emergency amendment effective April 20, 1990. Succeedent permanent amendment effective July 11, 1990. **Amended:** Filed November 1, 1995; effective December 6, 1995. **Amended:** Filed October 9, 2018; effective October 23, 2018.

**660-4-1-.03 Personal Responsibility And Work Opportunity Reconciliation Act Of 1996.** The policies requiring implementation upon enactment of Public Law 104-193 are as follows:

(1) CERTIFICATION PROVISIONS

(a) The full amount of income and resources of an alien's sponsor and the sponsor's spouse are counted until the alien becomes a citizen or has worked 40 qualifying quarters of Social Security coverage. Beginning January 1, 1997, a quarter in which the alien received certain Federal means-tested assistance is not counted as a qualifying quarter.

(b) Deletes a current exemption so that children under 22 years old who live with their parents and their own children or spouses must be included in the same household with their parents.

(c) The income exclusion for earnings of elementary and high school students is limited to students 17 years of age or younger.

(d) The energy assistance exclusion is limited to (1) Federal energy assistance, except that provided under Title IV-A

of the Social Security Act (welfare block grant), and (2) Federal or State one-time assistance for weatherization or emergency repair or replacement of heating or cooling devices.

(e) Low-Income Home Energy Assistance Act (LIHEEA) requires that all expenses met with LIHEEA payments shall be regarded as out of pocket expenses qualifying for the SUA.

(f) State or local general assistance for energy assistance which (under State law) cannot be provided in cash directly to the household shall be excluded from income.

(g) An expense paid on behalf of a household under State law to provide energy assistance is considered as out of pocket expense incurred and paid by the household.

(h) Food assistance benefits shall be prorated after any break in certification of at least one day, except for migrant and seasonal farm worker households.

(i) Expedited service applications shall be processed within 7 calendar days.

(j) an individual convicted (under Federal or State Law) for any offense that is classified as a felony by the law of the jurisdiction involved and which has as an element the possession, use or distribution of a controlled substance on or after August 22, 1996, shall not be eligible to receive food assistance benefits unless they have completed their sentence or are satisfactorily serving a sentence of a period of probation including completion of a mandatory participation in a drug treatment program. The individuals who remain disqualified shall have their income and resources attributed to the household.

(2) PROGRAM VIOLATION PENALTIES:

(a) An increase in food assistance benefits is prohibited when a household's income is reduced because of a penalty imposed under a Federal, State, or local means-tested public assistance program for failure to perform a required action.

(b) The disqualification penalty for the first intentional food assistance program violation is increased to one year.

(c) The disqualification penalty for a second intentional food assistance program violation and the first involving a controlled substance is two years.

(d) An individual shall be ineligible to participate in the food assistance program for 10 years if she/he is found to have made a fraudulent statement or representation regarding identity and residence to receive multiple benefits simultaneously.

(e) Fleeing felons and probation/parole violators are ineligible to participate in the food assistance program.

(f) An individual convicted by a Federal, State, or local court shall be permanently disqualified if she/he is convicted of trafficking food assistance benefits of \$500 or more.

(3) WORK REQUIREMENTS:

(a) Individuals between the ages of 18 and 60 who are physically and mentally fit shall be ineligible if they (1) refuse without good cause to provide sufficient information to allow a determination of their employment status or job availability; (2) voluntarily and without good cause quit a job or (3) voluntarily and without good cause reduce their work effort (and, after their reduction, are working less than 30 hours a week)

Option:

Mandatory minimum disqualification periods have been established for individuals who fail to comply with work or workfare requirements

- First violation-the later of the date they comply or one month.
- Second violation- the later of the date they comply with work rules or 3 months.
- Third violation-The later of the date they comply with work rules or 6 months.

(b) Unless exempt, able bodied individuals without dependents are ineligible to continue to receive food assistance for more than three (3) months (consecutive or otherwise) out of 36 months during which the household member did not either (a) work at least 20 hours per week (averaged monthly); or (b) for 20 hours or more per week participate in and comply with a Job Training and Partnership Act program, Trade Adjustment Assistance Act program (other than a job search or job search training program); or participate in and comply with a workfare program

under Section 20 of the Food Assistance Act or a comparable State or local program.

Provisions of the Balanced Budget Act of 1997 allow state agencies to exempt from the three-month/36-month time limit up to 15 percent of the state's caseload subject to the Able-Bodied Adults without Dependents (ABAWDS) provisions.

The first month during which an individual receives benefits while not exempt, working at least 20 hours or participating in an allowable work or training program for 20 hours shall be considered the first month of the 36-month period.

An individual is exempt from this requirement if the individual is: (1) under 18 or over 50 years of age, (2) medically certified as physically or mentally unfit for employment, (3) a parent or other member of a household with the responsibility for a dependent child under age 18 or a caregiver for a physically or mentally disabled adult, (4) pregnant, or (5) otherwise exempt from work requirements under subsection (d)(2) of the Food Stamp Act. Individuals denied eligibility under the new work rule can regain eligibility if during a consecutive 30-day period the individual: works 80 hours or more; participates in and complies with a Job Training and Partnership Act program, Trade Adjustment Assistance Act program (other than a job search or job search training program) for 80 hours or more; or participates in and complies with a workfare program (under Section 20 of the Food Stamp Act or a comparable State or local program) for 80 hours or more. If individuals subsequently lose this employment or cease participation in work or workfare programs, participation can continue for up to 3 consecutive months (beginning the month following the month the county is notified that work or work participation has ended). Once this additional period of eligibility is over, the only way to resume eligibility during the 36-month period is to comply with the 20 hours per week work requirement or become exempt from the provisions as stated above.

Once the 36-month period has passed, the household member or household may again be determined eligible under routine procedures. If the member or household remains subject to this provision, a new 36-month period is determined.

(4) ALIEN ELIGIBILITY. The following persons are eligible to participate in the Food Assistance Program if they reside in the United States and meet all other conditions of eligibility:

(a) A citizen of the United States by birth or naturalization. The U.S. is defined in the geographical sense as the continental United States, Alaska, Hawaii, Puerto Rico, Guam

and the U.S. Virgin Islands. Nationals from American Samoa or Swain's Island living in a food assistance project are considered United States citizens for food assistance purposes.

(b) A qualified alien who meets one of the following food assistance eligibility criteria related to aliens. Please note that some categories of eligible aliens have a 7-year time frame for food stamp eligibility.

1. An alien legally admitted for permanent residence is eligible if she/he:

- has worked 40 qualifying quarters of coverage under Title II of the Social Security Act or can be credited with such qualifying quarters. A qualifying quarter includes one worked by a parent of an alien while the alien was under 18 (including qualifying quarters worked before the alien child was born) and a quarter worked by a spouse during their marriage if the alien remains married to the spouse or the spouse is deceased. Any quarter beginning on or after January 1, 1997, will not be considered a qualifying quarter if the alien received any federal means-tested public benefits during that quarter such as Food Assistance, Medicaid, SSI and TANF.

within the last 7 years either entered the U.S. as a refugee, was granted status as an asylee, had deportation withheld, entered as a Cuban Haitian entrant; entered as an Amerasian immigrant (with appropriate immigration codes. Or

is a veteran honorably discharged for reasons other alienage or on active duty in the U.S. armed forces (other than active duty for training) or is the spouse or unmarried dependent child of a veteran or person on active duty.

2. Refugees admitted under section 207 of the immigration and Nationality Act (INA) if she/he:

was granted status as a refugee within the last 7 years; or

is a veteran honorable discharged for reasons other than alienage or on active duty in the U.S. armed forces (other than active duty for training) or is the spouse or unmarried dependent child of a veteran or person on active duty.

3. An alien granted asylum under Section 208 of the Immigration and Nationality Act is eligible if she/he:

was granted status as a refugee within the last 7 years; or

is a veteran honorable discharged for reasons other than alienage or on active duty in the U.S. armed forces (other than active duty for training) or is the spouse or unmarried dependent child of a veteran or person on active duty.

4. An alien for whom deportation is withheld under Section 243(h) or Section 241(b) (3) of the Immigration and Nationality Act is eligible if she/he:

was granted status as a refugee within the last 7 years; or

is a veteran honorable discharged for reasons other than alienage or on active duty in the U.S. armed forces (other than active duty for training) or is the spouse or unmarried dependent child of a veteran or person on active duty.

5. An alien who is granted conditional entry under Section 203(a) (7) of the Immigration and Nationality Act is eligible if she/he is a veteran honorably discharged for reasons other than alienage or on active duty in the U.S. armed forces (other than active duty for training) or is the spouse or unmarried dependent child of a veteran or person on active duty.

6. An alien who is paroled under Section 212(d) (5) of the Immigration and Nationality Act for at least 1 year is eligible if she/he is a veteran honorably discharged for reasons other than alienage or on active duty in the U.S. armed forces (other than active duty for training) or is the spouse or unmarried child of a veteran or person on active duty.

7. An alien who is a Cuban or Haitian entrant, as defined in Section 501(e) of the Refugee Education Assistance Act is eligible if she/he was granted this status within the last 7 years.

8. An alien who is an Amerasian immigrant is eligible if she/he was granted this status within the last 7 years and has documentation establishing eligibility (an I-94 with the codes AM1, AM2, or AM3; an I-551 with the codes AM6, AM7, or AM8; or a Vietnamese Exit Visa, Vietnamese passport or U.S. passport if stamped by INS with the codes AM1, A,2, OR AM3.)

9. An alien who is a battered spouse or child (or the alien child of the battered parent) is eligible if she/he is a veteran honorably discharged for reasons other than alienage or on active duty in the U.S. armed forces (other than active duty for training) or is the spouse or unmarried dependent child of a veteran or person on active duty and it has been determined that there is a substantial connection between the battery and the

need for benefits. A substantial connection between the battery and the need for benefits may be established if it is necessary for the individual to set up a new living arrangement, the individual has never worked or is now unemployed, the battery is such that the individual is unable to work due to physical injury, heightened visibility in the community poses a continued threat, or other circumstances as evaluated/determined by the worker. Any reasonable evidence of battery offered by the individual should be sufficient, including police reports, information from medical or school personnel, social service records or photographs. In addition, the battered individual must establish that she/he no longer lives in the same household with the batterer.

(i) The following clarifications related to the term veteran are applicable to the above:

A veteran eligible for food assistance must have met the minimum active duty service requirements, 24 months or the period for which the person was called to active duty.

The surviving spouse of a deceased veteran or individual on active duty is eligible, provided the spouse has not remarried and the marriage lasted for at least one year or for any period if a child was born of the marriage or was born before the marriage.

The definition of veteran includes military personnel who die during active duty service, and Filipinos who served in the Philippine Commonwealth Army during WWII or as Philippines scouts following the war.

Aliens receiving payments for blindness or disability as defined in 7 C.F.R. 27/.2.

Aliens who were lawfully residing in the United States on August 22, 1996, and were 65 years of age or older at that time.

Children who were lawfully residing in the United States on August 22, 1996, who are currently under the age of 18.

The following aliens are eligible for an indefinite period of time, even if they are not qualified aliens. They are:

American Indians born in Canada or Mexico, provided they are members of specific tribes for whom eligibility was extended.

An individual who is lawfully residing in the United States and was a member of the Hmong or Highland Laotian tribe at the time the tribe rendered assistance to the United States personnel

in military or rescue operations during the Vietnam era beginning August 5, 1964, and ending May 7, 1975. The spouse or unremarried surviving spouse and unmarried dependent children of such individuals may also be eligible.

5. ALLOTMENT, AND SHELTER LIMIT

(a) Annual adjustments effective 10/1/96 to the maximum allotments are based on 100% of the Thrifty food Plan. Allotments cannot fall below the FY 1996 level. See Appendix A for current food assistance eligibility income tests.

(b) The current excess shelter cap for non-elderly, non-disabled households in the 48 contiguous States is \$535.

**Author:** Amy Plunkett

**Statutory Authority:** Food Stamp Act of 1977, U.S.C. 2011 et seq; Public Law 104-193 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); Code of Ala. 1975, §38-2-6(17); Waivers #970043, #970225.

**History: New Rule:** Filed December 5, 1996; effective January 9, 1997. **Amended:** Filed January 3, 1997; effective February 7, 1997. **Amended:** Filed February 6, 1997; effective March 13, 1997. **Amended:** Filed April 4, 1997; effective May 9, 1997. Succeedent emergency amendment effective May 28, 1997. **Amended:** Filed August 5, 1997; effective September 9, 1997. Succeedent emergency amendment effective October 6, 1997. **Amended:** Filed November 5, 1997; effective December 10, 1997. **New Attachment:** Filed November 5, 1997; effective December 10, 1997. **Amended:** Filed December 5, 1997; effective January 9, 1998. Succeedent emergency amendment effective January 15, 1998. **Amended:** Filed March 6, 1998; effective April 10, 1998. **Amended:** Filed May 19, 1998; effective June 22, 1998. **Amended:** Filed August 21, 1998; effective September 25, 1998. Succeedent emergency amendment effective October 1, 1998. Succeedent emergency amendment effective November 1, 1998. **Amended:** Filed December 16, 1998; effective January 20, 1999. **Amended:** Filed March 19, 1999; effective April 23, 1999. Succeedent emergency amendment effective July 20, 1999. **Amended:** Filed September 3, 1999; effective October 8, 1999. **Amended:** Filed November 4, 1999; effective December 9, 1999. **Amended:** Filed January 4, 2001; effective February 8, 2001. **Amended (Attachment also):** Filed May 9, 2001; effective June 13, 2001. **Amended:** Filed October 9, 2018; effective November 23, 2018.



DEPARTMENT OF HUMAN RESOURCES  
ADMINISTRATIVE CODE

APPENDIX A

SUPPLEMENT NUTRITION ASSISTANCE PROGRAM INCOME ELIGIBILITY STANDARDS

OCTOBER 1,2017 TO SEPTEMBER 30, 2018

Net Monthly Income Eligibility Standards (100 Percent of Poverty Level)

Household Size	48 States. DC. Guam. Virgin Islands	Alaska	Hawaii
1	\$1,005	\$1,255	SI. 155
2	\$1,354	\$1,691	\$1,556
3	\$1,702	\$2,127	\$1,957
4	\$2,050	\$2,563	\$2,358
5	\$2,399	\$2,999	\$2,759
6	\$2,747	\$3,435	\$3,160
7	\$3,095	\$3,870	\$3,560
8	\$3,444	\$4306	\$3,961
Each additional member	\$349	\$436	\$401

Gross Monthly Income Eligibility Standards (130 Percent of Poverty Level)

Household Size	48 States. DC. Guam. Virgin Islands	Alaska	Hawaii
1	\$1,307	\$1,632	\$1,502
2	\$1,760	\$2,199	\$2,023
3	\$2,213	\$2,765	\$2,544
4	\$2,665	\$3,332	\$3,065
5	\$3,118	\$3,898	\$3,586
6	\$3,571	\$4,465	\$4,107
7	\$4,024	\$5,031	\$4,628
8	\$4,477	\$5,598	\$5,150
Each additional member	\$453	\$567	\$522

Gross Monthly Income Eligibility Standards For Households Where Elderly Disabled Are A Separate Household (165 Percent of Poverty Level)

Household Size	48 States. DC. Guam. Virgin Islands	Alaska-	Hawaii
1	\$1,659	\$2,071	\$1,906
2	\$2,233	\$2,790	\$2,568
3	\$2,808	\$3,509	\$3,229
4	\$3,383	\$4,229	\$3,890
5	\$3,958	\$4,948	\$4,552
6	\$4,532	\$5,667	\$5,213
7	\$5,107	\$6,386	\$5,874
8	\$5,682	\$7,105	\$6,536
Each additional member	\$575	\$720	\$662

## SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM MAXIMUM MONTHLY

ALLOTMENTS OCTOBER 1, 2017 TO SEPTEMBER 30, 2018

MAXIMUM SNAP ALLOTMENTS

Household Size	48 States and DC		
1	\$192		
2	\$352		
3	\$504		
4	\$640		
5	\$760		
6	\$913		
7	\$1,009		
8	\$1,153		
Each additional person	\$144		
Household Size	Guam		
1	\$283		
2	\$519		
3	\$743		
4	\$944		
5	\$1,121		
6	\$1,245		
7	\$1,487		
8	\$1,699		
Add on	\$212		
<u>Household Size</u>	<u>Virgin Islands</u>		
<u>1</u>	<u>\$247</u>		
<u>2</u>	<u>\$453</u>		
<u>3</u>	<u>\$648</u>		
<u>4</u>	<u>\$823</u>		
<u>5</u>	<u>\$978</u>		
<u>6</u>	<u>\$1,173</u>		
<u>7</u>	<u>\$1,297</u>		
<u>8</u>	<u>\$1,482</u>		
<u>Add on</u>	<u>\$185</u>		
<u>Household Size</u>	<u>Alaska</u>		
	<u>Urban</u>	<u>Rural 1</u>	<u>Rural 2</u>
<u>1</u>	<u>\$230</u>	<u>\$293</u>	<u>\$357</u>
<u>2</u>	<u>\$422</u>	<u>\$538</u>	<u>\$655</u>
<u>3</u>	<u>\$604</u>	<u>\$771</u>	<u>\$938</u>
<u>4</u>	<u>\$767</u>	<u>\$979</u>	<u>\$1,191</u>
<u>5</u>	<u>\$911</u>	<u>\$1,162</u>	<u>\$1,415</u>
<u>6</u>	<u>\$1,094</u>	<u>\$1,395</u>	<u>\$1,698</u>
<u>7</u>	<u>\$1,209</u>	<u>\$1,542</u>	<u>\$1,876</u>
<u>8</u>	<u>\$1,382</u>	<u>\$1,762</u>	<u>\$2,145</u>
<u>Add on</u>	<u>\$173</u>	<u>\$220</u>	<u>\$268</u>

* Household Size	Hawaii
1	\$358
2	\$657
3	\$941
4	\$1,195
5	\$1,419
6	\$1,703
7	\$1,883
8	\$2,152
Add on	\$269

**MINIMUM SNAP ALLOTMENTS OCTOBER 1.2017 TO SEPTEMBER 30.2018**

Household Size	48 States and DC	Guam	U.S. Virgin Islands	Alaska Urban	Rural 1	Rural 2	Hawaii
1-2	\$15	\$23	\$20	\$18	\$24	\$29	\$29

**SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM DEDUCTIONS  
OCTOBER 1, 2017 TO SEPTEMBER 30, 2018**

**STANDARD DEDUCTIONS**

Area	Household Size				
		3	4	5	6+
48 States and DC	\$160	\$160	\$170	\$199	\$228
Alaska	\$273	\$273	\$273	\$273	\$285
Hawaii	\$225	\$225	\$225	\$229	\$263
Guam	\$321	\$321	\$341	\$399	\$457
Virgin Islands	\$141	\$141	\$170	\$199	\$228

**MAXIMUM SHELTER DEDUCTIONS**

Area	Maximum Amount
48 States and DC	\$535
Alaska	\$854
Hawaii	\$720
Guam	\$627
Virgin Islands	\$421

**SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM MAXIMUM ASSET LIMITS  
OCTOBER 1, 2017 TO SEPTEMBER 30, 2018**

Household Type	Maximum Amount
Households with at least one member who is age 60 or older or is disabled	\$3,500
All other households	\$2,250

The standard deduction for all households will be \$134

**History: Repealed and New Rule:** Filed October 9, 2018; effective November 23, 2018.