

NOTICE OF INTENT

Department of Children and Family Services

Economic Stability

Supplemental Nutritional Assistance Program (SNAP)

(LAC 67:III.1938, 1940, 1941, 1987, 1988, 1998, 2013, and 2111)

In accordance with the provisions of the Administrative Procedure Act R.S. 49:953(A), the Department of Children and Family Services (DCFS) proposes to amend the *Louisiana Administrative Code* (LAC), Title 67, Part III Economic Stability.

Pursuant to the authority granted to the department by the Food and Nutrition Act of 2008 in accordance with federal regulations for the Supplemental Nutritional Assistance Program (SNAP) in 7 CFR 271 et seq., the department considers these amendments necessary to clarify or adopt rules that govern Economic Stability programs.

LAC 67:III, Subpart 3 Supplemental Nutritional Assistance Program (SNAP), Section 1938 is being amended to remove the requirement for mandatory participation in an Employment and Training Program, to update the disqualification periods for noncompliance with work requirements, and to remove whole household disqualifications. Section 1940 is being amended to update the 36-month time period and to maintain compliance with 7 CFR 273.24. Section 1941 is being amended to maintain compliance with 7 CFR 273.7. Section 1987 is being amended to maintain compliance with 7 CFR 273.2(j)(2). Section 1988 is being amended to maintain compliance with 7 CFR 273.11(r) and (s). Sections 1998, 2013, and 2111 are being amended to maintain compliance with 7 CFR 273.12(a)(1)(viii).

Title 67

SOCIAL SERVICES

Part III. Economic Stability

Subpart 3. Supplemental Nutritional Assistance Program  
(SNAP)

Chapter 19. Certification of Eligible Households

Subchapter G. Work Requirements

§1938. Work Registration Requirements

A. Each household member who is not exempt from work registration shall be registered for employment before certification and recertification ~~at the time of application and once every 12 months after initial registration~~ as a condition of eligibility. At the time of application, the state agency shall explain to the applicant the consequences of violation of the work requirements.

1. No individual physically and mentally fit and between the ages of 16 and 60, is eligible to participate if that individual:

a. refuses without good cause to provide sufficient information to allow a determination of his/her employment status or job availability;

b. voluntarily and without good cause quits a job;

c. voluntarily and without good cause reduces his/her work effort (and, after the reduction, is working less than 30 hours a week);

d. fails at certification and recertification ~~refuses, at the time of application and every 12 months thereafter,~~ to register for employment; or

e. ~~refuses without good cause to participate in an employment and training program; or~~

f. refuses without good cause to accept an offer of employment.

2. If it is determined that an individual ~~other than the head of the household~~ has violated the work requirements

without good cause, that individual shall be ineligible to participate in SNAP as follows:

- a. first sanction-~~until failure to comply ceases or three months~~ one month, whichever is longer;
- b. second ~~or subsequent~~ sanction-~~until failure to comply ceases or six~~ three months, whichever is longer;
- c. third or subsequent sanction-~~until failure to comply ceases or six months, whichever is longer.~~

3. ~~If the head of the household fails to comply, the entire household is ineligible to participate for the duration of the disqualification period.~~

4. ~~If any household member who violated the work requirement joins another household as head of the household, that entire new household is ineligible for the remainder of the disqualification period. If the member~~ any individual who violated the work requirement joins another household ~~where that individual is not head of household~~, that individual shall be considered an ineligible household member.

B. Determining Whether a Work Requirement Violation Occurred

1. When a household files an application for participation, or when a participating household reports the loss of a source of income, the DCFS shall determine whether any household member:

- a. refused without good cause to provide sufficient information to allow a determination of his/her employment status or job availability;
- b. voluntarily and without good cause quit a job;
- c. voluntarily and without good cause reduced his/her work effort (and, after the reduction, is working less than 30 hours a week);

d. ~~refused without good cause, at the time of application recertification and every 12 months thereafter, to register for employment;~~

e. ~~refused without good cause to participate in an employment and training program;~~

~~f.~~—refused without good cause to accept an offer of employment.

2. Benefits shall not be delayed beyond the normal processing times pending the outcome of this determination. This provision applies only if the employment involved 30 hours or more per week or provided weekly earnings equivalent to the federal minimum wage multiplied by 30 hours; the violation occurred within 60 days prior to the date of application or anytime thereafter, and was without good cause. Terminating a self-employment enterprise or resigning from a job at the demand of the employer will not be considered a violation for purpose of this Section. An employee of the federal government, or of a state or local government who participates in a strike against such government, and is dismissed from his or her job because of participation in the strike, shall be considered to have violated the work requirements without good cause.

3. If an application for participation is filed in the last month of the disqualification period, the eligibility worker shall use the same application for the denial of benefits in the remaining month of disqualification and certification for any subsequent month(s) if all other eligibility criteria are met.

4. Upon a determination that a violation of the work requirements occurred, the DCFS shall determine if the violation was with good cause. If it is determined that good cause does not exist, the sanction will be imposed. The DCFS shall provide the household with a notice of ineligibility. The notice shall

inform the household of the proposed period of disqualification; its right to reapply at the end of the disqualification; and of its right to a fair hearing.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193 and P.L. 110-246.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 23:80 (January 1997), amended by the Department of Children and Family Services, Economic Stability and Self-Sufficiency Section, LR 36:2528 (November 2010), amended by the Department of Children and Family Services, Economic Stability Section, LR 42:1651 (October 2016), LR 46:

§1940. **Work Participation Requirements for Able-Bodied Adults without Dependents** ~~[Effective 10/1/97 by Emergency Rule]~~

A. Individuals are ineligible to continue to receive SNAP benefits if, during the current preceding 36-month fixed clock period they received SNAP benefits for at least 3 months (consecutive or otherwise) while that individual did not either:

1. work (including paid or unpaid) an average of 20 hours per week;

2. ~~or~~ participate in and comply with a Job Training Partnership Act program under Title 1 of the Workforce Innovation and Opportunity Act (WIOA), Trade Adjustment Assistance Act program, or employment and training program (other than a job search or job search training program) for an average of 20 hours ~~or more~~ per week; ~~or~~

2. participate in a combination of work and training as described in Paragraph A.1 of this Section for an average of 20 hours per week; or

3. participate in and comply with a workfare program.

B. An individual is exempt from this requirement if the individual is:

1. under age 18, or 50 years of age or older;
2. medically certified as physically or mentally unfit for employment;
3. residing in a SNAP household where a household member is under age 18, even if the household member who is under age 18 is not eligible to receive SNAP benefits;
4. pregnant; or
5. otherwise exempt from work registration requirements.

C. Individuals can regain eligibility for assistance.

1. Individuals denied eligibility under Subsection A of this Section ~~the new work rule~~ can regain eligibility if during a 30-day period the individual:

- a. works 80 hours or more, or
- ~~b. —~~ participates in and complies with a ~~Job Training and Partnership Act Program~~ under WIOA, Trade Adjustment Assistance Act Program, or Employment and Training Program (other than a job search or job search training program) for 80 hours or more; or
- b. any combination of work and participation in a program identified in Subparagraph C.1.a. of this Section for a total of 80 hours or more; or
- c. participates in and complies with a workfare program (under Section 20 of the Food and Nutrition Act of 2008 or a comparable state or local program) for 80 hours or more.

2. An individual who regained eligibility and who is no longer fulfilling the work requirement is eligible for three consecutive countable months one time ~~in any~~ during the 36-month fixed-clock period, starting on the date the individual first notifies the agency that he or she is no longer fulfilling the

work requirement, unless the individual has been satisfying the work requirement by participating in a work, training, or workfare program, in which case the period starts on the date the agency notifies the individual that he or she is no longer meeting the work requirement.

~~D. The first countable month of this provision is November, 1996.~~

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, 7 CFR 273.24, and P.L. 110-246.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 23:81 (January 1997) amended LR 34:885 (May 2008), amended by the Department of Children and Family Services, Economic Stability and Self-Sufficiency Section, LR 36:2528 (November 2010), amended by the Department of Children and Family Services, Economic Stability Section, LR 42:1652 (October 2016), LR 46:

**§1941. Work Requirements of the SNAP Household**

A. Persons losing exemption status due to any change in circumstances that are subject to the reporting requirements shall register for employment when the change is reported.

1. A person age 16 or 17 who is not head of household or who is attending school or enrolled in an employment training program on at least a half-time basis is exempt.

2. A household member subject to and complying with any work requirement under Title IV of the Social Security Act is also exempt.

B. ~~The OFS shall register for work~~ Each household member who is not exempt must register for employment before certification and recertification. The department ~~OFS~~ will explain to the applicant the pertinent work requirements, rights and responsibilities of work registered household members, and

the consequences of failure to comply. A written statement of this will be given to each work registrant. ~~The OFS shall be responsible for screening each work registrant to determine whether or not it is appropriate, based on OFS's criteria, to refer the individual to an employment and training program, if available, and if appropriate, referring the individual to an employment and training program component. The registrant will be told either orally or in writing, the requirements of the component, what will constitute noncompliance and the sanctions for noncompliance. The OFS shall take appropriate sanction action within 10 working days after learning of noncompliance.~~

C. Employment and Training (E and T) Programs

1. The department submitted an Employment and Training Program Plan to the United States Department of Agriculture, Food and Nutrition Service (FNS) Dallas Regional Office and the FNS Office of Alexandria, Virginia. A copy of the plan is available for public inspection at the Supplemental Nutritional Assistance Program Office, 627 North Fourth Street, Baton Rouge, Louisiana 70802.

~~2. Persons required to register for work and not exempted by OFS from placement in an employment and training program shall be subject to the requirements imposed by the OFS for that individual. Such individuals are referred to as E&T mandatory participants. Requirements may vary among participants. Failure to comply without good cause with the requirement imposed by the OFS shall result in disqualification.~~

~~3-2.~~ 2. Work registrants shall:

~~a. participate in an employment and training program, if assigned by the OFS;~~

~~b-a.~~ a. respond to a request from the ~~OFS~~ OFS department or its designees for supplemental information regarding employment status or availability for work;

~~e-b.~~ report to an employer to whom referred by the OFS department or its designee if the potential employment meets the suitability requirements;

~~d-c.~~ accept a bona fide offer of suitable employment at a wage not less than the higher of either the applicable state or federal minimum wage.

~~4. Ending or Avoiding Employment and Training (E&T) Sanctions~~

~~a. Conciliation is an attempt to reach a resolution of the participant's failure to comply with the employment and training requirement prior to initiation of a sanction. The purpose of conciliation is to determine the reason the work registrant did not comply with the employment and training requirement and to provide the noncomplying individual with an opportunity to comply prior to the issuance of a notice of adverse action. The conciliation period shall begin the day following the date an individual fails to comply and shall continue for a period not to exceed 30 calendar days. A conciliation letter will be sent to the participant by the contractor/provider when conciliation begins.~~

~~b. Conciliation must be initiated by the contractor/provider when there is knowledge of the participant's failure to comply; cannot exceed 30 days, and may end sooner if the participant refused to cooperate in the process, and is considered successful when a verifiable act of compliance is performed by the participant or good cause is established. If the conciliation process is not successful, the process of sanctioning shall be initiated.~~

AUTHORITY NOTE: Promulgated in accordance with 7 CFR 273.7 (c) (2), P.L. 104-193, P.L. 110-246.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 13:394 (July

1987), amended by the Department of Social Services, Office of Eligibility Determinations, LR 15:96 (February 1989), amended by the Department of Social Services, Office of Family Support, LR 18:748 (July 1992), LR 18:1268 (November 1992), LR 23:81 (January 1997), amended by the Department of Children and Family Services, Economic Stability and Self-Sufficiency Section, LR 36:2528 (November 2010), LR 46:

**Subchapter J. Determining Household Eligibility and Benefit Levels**

**§1987. Categorical Eligibility for Certain Recipients**

A. Households Considered Categorically Eligible

1. Households in which all members are recipients of benefits from the FITAP, STEP, KCSP, and/or SSI, shall be considered categorically eligible for SNAP.

2. Recipient includes an individual determined eligible for TANF or SSI benefits, but the benefits have not yet been paid.

3. Recipient shall also include a person determined eligible to receive zero benefits, i.e., a person whose benefits are being recouped or a TANF recipient whose benefits are less than \$10 and therefore does not receive any cash benefits.

4. A household shall not be considered categorically eligible if:

a. any member of that household is disqualified for an intentional program violation;

~~b. the household is disqualified for failure to comply with the work registration requirements.~~

b. any member of that household is disqualified for being a fleeing felon or a probation or parole violator or for being convicted as an adult of certain crimes after February 7, 2014, and not in compliance with the terms of their sentence. These crimes include:

- i. aggravated sexual abuse under section 2241 of Title 18, United States Code;
  - ii. murder under section 1111 of Title 18, United States Code;
  - iii. an offense under chapter 110 of Title 18, United States Code;
  - iv. a federal or state offense involving sexual assault, as defined in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)); or
  - v. an offense under state law determined by the attorney general to be substantially similar to an offense described in Clause A.4.b.i, ii, or iii of this Section.
- c. the household was disqualified due to receipt of substantial lottery or gambling winnings equal to or greater than the elderly or disabled resource limit. If the household reapplies after losing eligibility due to these winnings, the household would not be considered categorically eligible and must meet the income and resource limit. The case would be processed under regular SNAP rules. This requirement only applies to the first time a household is certified following the loss of eligibility due to substantial lottery or gambling winnings.

5. The following persons shall not be considered a member of a household when determining categorical eligibility:

- a. an ineligible alien;
- b. an ineligible student;
- c. an institutionalized person;
- d. an individual who is disqualified for failure to comply with the work registration requirements;
- e. an individual who is disqualified for failure to provide or apply for a Social Security number;
- f. an individual who is on strike.

6. Households which are categorically eligible are considered to have met the following SNAP eligibility factors without additional verification:

- a. resources;
- b. Social Security numbers;
- c. sponsored alien information;
- d. residency.

7. These households also do not have to meet the gross and net income limits. If questionable, the factors used to determine categorical eligibility shall be verified.

8. Categorically eligible households must meet all SNAP eligibility factors except as outlined above.

9. Changes reported by categorically-eligible SNAP households shall be handled according to established procedures except in the areas of resources or other categorical eligibility factors.

10. Benefits for categorically-eligible households shall be based on net income as for any other household. One- and two-person households will receive a minimum benefit of ~~\$15~~ as required by 7 CFR 273.10(e)(2)(ii)(C). Households of three or more shall be denied if net income exceeds the level at which benefits are issued.

#### B. Application Processing

1. Households in which all members are applying for public assistance shall continue to be processed according to joint processing procedures. Until a determination is made on the public assistance application, the household's SNAP eligibility and benefit level shall be based on SNAP eligibility criteria. However, the local office shall postpone denying a potentially categorically-eligible household until the thirtieth day in case the household is determined eligible to receive public assistance benefits.

2. The household shall be informed on the notice of denial that it is required to notify the local office if its FITAP or SSI benefits are approved.

3. If the household is later determined eligible to receive public assistance benefits after the thirtieth day and is otherwise categorically eligible, benefits shall be provided using the original application along with other pertinent information occurring subsequent to the application.

4. The local office shall not reinterview the household but shall use any available information to update the application and/or make mail or phone contact with the household or authorized representative to determine any changes in circumstances. Any changes shall be initialed and the updated application re-signed by the authorized representative or authorized household member.

5. If eligibility for public assistance is determined within the 30-day SNAP processing time, benefits shall be provided back to the date of application. If eligibility for public assistance is determined after the SNAP application is denied, benefits for the initial month shall be prorated from the effective date of the public assistance certification or the date of the SNAP application, whichever is later.

C. Certified households which become categorically eligible due to receipt of SSI benefits shall be eligible for the medical and uncapped shelter deductions from the beginning of the period for which the SSI benefits are authorized or the date of the SNAP application, whichever is later. These additional benefits shall be provided through restoration.

D. For SNAP purposes, refugee cash assistance (RCA) benefits are not considered public assistance and, therefore, an RCA household is not categorically eligible.

E. Households who receive a non-cash TANF/MOE funded benefit or service may be considered broad-based categorically eligible for Supplemental Nutritional Assistance Program (SNAP).

1. A household shall not be considered broad-based categorically eligible if:

a. any member of that household is disqualified for an intentional program violation; or

b. ~~the household is disqualified for failure to comply with the work registration requirements.~~ any member of that household is disqualified for being a fleeing felon or a probation or parole violator or for being convicted as an adult of certain crimes after February 7, 2014, and not in compliance with the terms of their sentence. These crimes include:

i. aggravated sexual abuse under section 2241 of Title 18, United States Code;

ii. murder under section 1111 of Title 18, United States Code;

iii. an offense under chapter 110 of Title 18, United States Code;

iv. a federal or state offense involving sexual assault, as defined in section 4002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)); or

v. an offense under state law determined by the attorney general to be substantially similar to an offense described in Clause A.4.b.i, ii, or iii of this Section.

2. The following persons shall not be considered a member of a household when determining broad-based categorical eligibility:

- a. an ineligible alien;
- b. an ineligible student;
- c. an institutionalized person;

d. an individual who is disqualified for failure to comply with the work registration requirements;

e. an individual who is disqualified for failure to provide or apply for a social security number;

f. an individual who is on strike.

3. Households which are broad-based categorically eligible are considered to have met the resource eligibility factor without additional verification.

4. Broad-based categorically eligible households must meet all Supplemental Nutritional Assistance Program eligibility factors except as outlined above.

5. Benefits for broad-based categorically eligible households shall be based on net income as for any other household.

AUTHORITY NOTE: Promulgated in accordance with F.R. 51:28196 et seq., 7 CFR 271, 272, 273.10, and 274, F.R. 56:63612-63613, P.L. 104-193, 7 CFR 273.2(j)(2)(xi), Act 58, 2003 Reg. Session, 7 CFR 273.2, (j), and P.L. 110-246.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 13:90 (February 1987), amended by the Department of Social Services, Office of Family Support, LR 18:1267 (November 1992), LR 24:1783 (September 1998), LR 26:349 (February 2000), LR 27:867 (June 2001), LR 27:1934 (November 2001), LR 30:495 (March 2004), amended by the Department of Children and Family Services, Economic Stability and Self-Sufficiency Section, LR 36:2531 (November 2010), amended by the Department of Children and Family Services, Economic Stability Section, LR 40:1312 (July 2014), LR 44:444 (March 2018), amended by the Department of Children and Family Services, Economic Stability Section, LR 45:1441 (October 2019), LR 46:

**§1988. Eligibility Disqualification of Certain Recipients**

A. Fleeing felons and probation/parole violators are ineligible for benefits.

B. An individual convicted as an adult of certain crimes after February 7, 2014, and not in compliance with the terms of their sentence is ineligible for benefits. These crimes include:

1. aggravated sexual abuse under section 2241 of Title 18, United States Code;

2. murder under section 1111 of Title 18, United States Code;

3. an offense under chapter 110 of Title 18, United States Code;

4. a federal or state offense involving sexual assault, as defined in section 4002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)); or

5. an offense under state law determined by the attorney general to be substantially similar to an offense described in Clause A.4.b.i, ii, or iii of this Section.

C. The household is disqualified due to receipt of substantial lottery or gambling winnings equal to or greater than the elderly or disabled resource limit.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, R.S. 46:233.1, P.L. 105-33, and P.L. 110-246.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 23:83 (January 1997), amended LR 23:590 (May 1997), LR 23:1710 (December 1997), LR 24:1783 (September 1998), amended by the Department of Children and Family Services, Economic Stability and Self-Sufficiency Section, LR 36:2532 (November 2010), amended by Department of Children and Family Services, Economic Stability Section, LR 44:445 (March 2018), LR 46

**Subchapter L. Reporting Changes**

**§1998. Reporting Requirements**

A. Effective November 2009, all SNAP households are included in simplified reporting with the exception of households participating in the Louisiana Combined Application Project (LaCAP).

B. Simplified reporting households are required to report only:

1. changes in the household's gross monthly income which result in the household's income exceeding 130 percent of the monthly poverty income guideline for the household size; ~~and~~

2. changes in work or training hours of able-bodied adults without dependents (ABAWDs) who are subject to the time limit set forth in Section 1940 if the change results in the ABAWD working or participating in training an average of less than 20 hours per week; ~~and~~

3. all SNAP households, including LaCAP and categorically eligible households, are required to report when a member of the household receives substantial lottery or gambling winnings equal to or exceeding the resource limit for elderly or disabled households won in a single game before taxes or other amounts are withheld. The winnings must be reported by the 10th of the month following the month the lottery or gambling winnings were won.

AUTHORITY NOTE: Promulgated in accordance with 7 CFR 273.12(a), P.L. 107-171.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 30:1486 (July 2004), amended LR 35:689 (April 2009), amended by the Department of Children and Family Services, Economic Stability and Self-Sufficiency Section, LR 36:2533 (November 2010), LR 46:

**Subchapter R. Simplified Reporting**

**§2013. Simplified Reporting**

A. Effective November 2009, all SNAP households are included in simplified reporting with the exception of households participating in the Louisiana Combined Application Project (LaCAP).

B. Households subject to simplified reporting will be required to report only:

1. changes in gross monthly income which exceed 130 percent of the monthly poverty income guideline for the household size;

2. changes in work or training hours of able-bodied adults without dependents (ABAWDs) who are subject to the time limit set forth in §1940 if the change results in the ABAWD working or participating in training an average of less than 20 hours per week; and

3. all SNAP households, including LaCAP and categorically eligible households, are required to report when a member of the household receives substantial lottery or gambling winnings equal to or exceeding the resource limit for elderly or disabled households won in a single game before taxes or other amounts are withheld. The winnings must be reported by the 10th of the month following the month the lottery or gambling winnings were won.

C. Households included in Simplified Reporting will be assigned a certification period of 12 months.

D. All households in simplified reporting are required to:

1. timely provide a completed simplified report ~~form~~ and all necessary verification; and

2. report current household circumstances.

E. Failure to provide a complete Simplified Report ~~form~~ and verification will result in case closure.

F. Benefits will be determined prospectively based on verified circumstances.

G. Any change in benefits as a result of simplified reporting will be effective the month following the month in which the Simplified Report was required.

H. Effective August 7, 2001, other changes will be processed in accordance with §1999, Reduction or Termination of Benefits.

AUTHORITY NOTE: Promulgated in accordance with 7 CFR 273.12(a), P.L. 107-171.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 27:867 (June 2001), amended LR 28:103 (January 2002), LR 29:607 (April 2003), LR 35:689 (April 2009), amended by the Department of Children and Family Services, Economic Stability and Self-Sufficiency Section, LR 36:2534 (November 2010), LR 46:

**Chapter 21. Louisiana Combined Application Project (LaCAP)**

**Subchapter A. Household Concept**

**§2111. Change Reporting**

A. Households participating in LaCAP ~~are not required,~~ ~~but~~ must be allowed, to report changes in circumstances affecting their eligibility or benefit level.

B. Households participating in LaCAP are required to report when the household receives substantial lottery or gambling winnings equal to or exceeding the resource limit for elderly or disabled households won in a single game before taxes or other amounts are withheld. The winnings must be reported by the 10th of the month following the month the lottery or gambling winnings were won.

C. The agency must act on changes when it becomes aware of the change from the household or another source if the change affects the household's eligibility or benefit level.

**AUTHORITY NOTE:** Promulgated in accordance with 7 CFR 7 CFR 271.3(c), 7CFR Part 282, and Section 17 of the Food Stamp Act of 1977.

**HISTORICAL NOTE:** Promulgated by the Department of Social Services, Office of Family Support, LR 32:2272 (December 2006), LR 46:

**Family Impact Statement**

The proposed rule is not anticipated to have an adverse impact on family formation, stability, and autonomy as described in R.S. 49:972. The amount of costs or savings due to these changes are indeterminate.

**Poverty Impact Statement**

The proposed rule is not anticipated to have a significant negative impact on poverty as described in R.S. 49:973.

**Small Business Impact Statement**

The proposed rule is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.

**Provider Impact Statement**

The proposed rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

**Public Comments**

All interested persons may submit written comments through, July 28, 2020, to Sammy Guillory, Deputy Assistant Secretary of Family Support, Department of Children and Family Services, P.O. Box 94065, Baton Rouge, LA 70804.

**Public Hearing**

A public hearing on the proposed rule will be held on July 28, 2020, at the Department of Children and Family Services, Iberville Building, 627 North Fourth Street, Seminar Room 1-125, Baton Rouge, LA beginning at 10:00 a.m. All interested persons

will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the DCFS Appeals Unit at least seven working days in advance of the hearing. For assistance, call (225)342-4120 (Voice and TDD).



5/6/20

Marketa Garner Walters  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

Person Preparing Statement:	<u>Allison Rigsby</u>	Department:	<u>Children and Family Services</u>
Phone:	<u>(225) 342-2530</u>	Office:	<u>Economic Stability</u>
Return Address:	<u>627 N. 4th St., P.O. Box 94065 Baton Rouge, LA 70804</u>	Rule Title:	<u>Supplemental Nutritional Assistance Program (SNAP)</u>
		Date Rule Takes Effect:	<u>October 1, 2020</u>

**SUMMARY**

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The cost of publishing the proposed rules is estimated to be approximately \$3,280 (\$1,640 State and \$1,640 Federal) in FY 20. There is no state cost associated with the proposed changes in SNAP benefits. SNAP benefits are funded with 100% federal funds.

The amendments propose the following changes to the SNAP program:

- 1.) Provides that the Employment and Training (E&T) program is no longer mandatory and an individual and their household can no longer be disqualified from benefits for refusal to participate in the E&T program
- 2.) Provides that the whole household is no longer ineligible for benefits if the head of the household fails to meet work registration requirements
- 3.) Reduces the sanction period for failure to comply with work registration requirements from 3 months to 1 month for the first sanction, from 6 months to 3 months for the second sanction, and adds a third and subsequent sanction period of 6 months
- 4.) Provides that an individual is ineligible for benefits if he is a fleeing felon, in violation of parole or probation, or not in compliance with the terms of their sentence if convicted of certain crimes
- 5.) Provides that a household cannot be categorically eligible for benefits if any member of the household receives gambling or lottery winnings above a certain amount
- 6.) Updates reporting requirement for households that receive gambling or lottery winnings above a certain amount
- 7.) Clarifies the able-bodied adults without dependents (ABAWDs) can meet work requirements by participating in paid or unpaid work for 20 hours per week, the Workforce Innovation and Opportunity Act (WIOA) program for 20 hours per week, or a combination of both

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed change will impact revenue collections at the Louisiana Workforce Commission (LWC) and four local governmental units.

DCFS currently has a \$1.2M contract with the LWC that is funded with 100% federal funds to run the mandatory E&T program. LWC uses the funds, in part, to subcontract with four local governmental units to provide the E&T services to SNAP recipients. DCFS will no longer contract with LWC to run this program.

LWC	-\$126,577
City of Shreveport	-\$319,094
Ouachita Parish Police Jury	-\$255,521
City of New Orleans	-\$295,803
<u>Rapides Parish Police Jury</u>	<u>-\$195,848</u>
Total Revenue	-\$1,192,843

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)**

The proposed rule change will have an impact on several groups.

The proposed change will have an economic cost to certain individuals convicted of crimes and individuals who receive a minimum level of lottery and gambling winnings, given that they will no longer be eligible for SNAP benefits.

The proposed change will have an economic benefit to certain individuals whose head of household does not meet the mandatory work registration requirements, given that they will no longer be disqualified for SNAP benefits.

The proposed change may have an economic benefit to individuals that were previously disqualified for SNAP benefits due to a failure to participate in the E&T program, given that the E&T program is no longer mandatory.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

To the extent that an individual is less employable due to not participating in the E&T program, the proposed change may have an adverse impact on his employment opportunities.

\_\_\_\_\_  
Signature of Agency Head  
or Designee

\_\_\_\_\_  
Date

\_\_\_\_\_  
LEGISLATIVE FISCAL OFFICER  
OR DESIGNEE

Sammy Guillory, Deputy Assistant Secretary  
Typed Name and Title of Agency Head

\_\_\_\_\_  
DATE OF SIGNATURE

\_\_\_\_\_  
DCFS Undersecretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberations on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated)

The Department of Children and Family Services (DCFS) proposes to amend LAC 67:III, Subpart 3 SNAP. Chapter 19, Subchapter G, Sections 1938, 1940, 1941 are being amended to update the disqualification periods for work registration requirements from two periods to three periods, remove whole household disqualifications, remove mandatory Employment & Training Program participation requirements, and provide minor clarifications for Work Participation Requirements for Able-Bodied Adults without Dependents (ABAWDs) including allowing work to include paid and unpaid hours and allowing a combination of work and training to meet the weekly hour requirement. Subchapter J, Section 1987 is being amended to exclude individuals convicted of certain crimes who are not in compliance with the terms of their sentence from being categorically eligible. Section 1988 is being amended to expand eligibility disqualification for these convicted individuals and to also disqualify households who have received certain substantial lottery or gambling winnings. Subchapter L, Section 1998 and Subchapter R, Section 2013 are being amended to require Simplified Reporting household with ABAWDs to report changes in training hours, and all households to report when a household member receives certain substantial lottery or gambling winnings. Chapter 21, Subchapter A, Section 2111 is being amended to require LaCAP households to report when a household member receives certain substantial lottery or gambling winnings.

- B. Summarize the circumstances which require this action. If the action is required by federal regulations, attach a copy of the applicable regulation.

Action is required in this matter to be consistent with federal regulations for Supplemental Nutrition Assistance Program (SNAP).

- C. Compliance with Act 11 of the 1986 First Extraordinary Session

- (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

The increase or decrease in the expenditure of funds for programmatic costs are based on each applicant or recipient's circumstances and are therefore indeterminate. The source of funding is the Supplemental Nutritional Assistance Program (SNAP). There will be no increase in the expenditure of state general funds for programmatic costs.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) \_\_\_ Yes. If yes, attach documentation.

(b)   x   No. If no, provide justification as to why this rule change should be published at this time.

There will be no increase in the expenditure of state general funds for programmatic costs. The administrative cost of publishing rulemaking is routinely included in the department's annual operating budget appropriated by the Legislature.

**FISCAL AND ECONOMIC IMPACT STATEMENT  
WORKSHEET**

**I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED**

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

<b>Costs</b>	<b>FY 19-20</b>	<b>FY 20-21</b>	<b>FY 21-22</b>
Personal Services	\$0	\$0	\$0
Operating Expenses	\$3,280 (rulemaking)	\$0	\$0
Professional Services	\$0	\$0	\$0
Other Charges	\$0	\$0	\$0
Equipment	\$0	\$0	\$0
Major Repair & Constr.	\$0	\$0	\$0
<b>Total</b>	<b>\$3,280</b>	<b>\$0</b>	<b>\$0</b>
<b>Positions (#)</b>	<b>0</b>	<b>0</b>	<b>0</b>

2. Provide a narrative explanation of the costs or savings shown in "A.1.," including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

Implementation of the proposed revisions is not anticipated to have a significant impact in the expenditure of federal funds for programmatic costs. The increase or decrease in the expenditure of funds for programmatic costs are based on each applicant or recipient's circumstances and are therefore indeterminate. The source of funding is the Supplemental Nutritional Assistance Program (SNAP). There will be no increase in the expenditure of state general funds for programmatic costs. SNAP benefits are 100% Federal funds and have no direct cost or savings to the State.

The only cost associated with this rule is the cost of publishing rulemaking which is estimated to be approximately \$1,640 (Federal - SNAP) and \$1,640 (State) in State Fiscal Year 2020-2021.

3. Sources of funding for implementing the proposed rule or rule change.

<b>Source</b>	<b>FY 19-20</b>	<b>FY 20-21</b>	<b>FY 21-22</b>
State General Fund	\$1,640 (rulemaking)	\$0	\$0
Agency Self-Generated	\$0	\$0	\$0
Federal Funds	\$1,640 (rulemaking)	\$0	\$0
Dedicated	\$0	\$0	\$0
Other (Specify)	\$0	\$0	\$0
<b>Total</b>	<b>\$3,280</b>	<b>\$0</b>	<b>\$0</b>

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

Yes.

**B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.**

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

There are no estimated costs or savings to local governmental units resulting from this rule.

2. Indicate the sources of funding of the local governmental unit, which will be affected by these cost or savings.

There will be no impact on local governmental units.

**FISCAL AND ECONOMIC IMPACT STATEMENT  
WORKSHEET**

**II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS**

A. What increase (decrease) in revenues can be anticipated from the proposed action?

<b>Revenue Increase/Decrease</b>	<b>FY 19-20</b>	<b>FY 20-21</b>	<b>FY 21-22</b>
State General Fund	\$0	\$0	\$0
Agency Self-Generated	\$0	\$0	\$0
Dedicated Funds *	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0
Local Funds	See Below	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

\*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

The proposed change will impact revenue collections at Louisiana Workforce Commission (LWC) and four local governmental units.

DCFS currently has a \$1.2M contract with the LWC to run the mandatory E&T program. LWC uses the funds, in part, to subcontract with four local governmental units to provide the E&T services to SNAP recipients. DCFS will no longer contract with LWC to run this program.

LWC	-\$126,577
City of Shreveport	-\$319,094
Ouachita Parish Police Jury	-\$255,521
City of New Orleans	-\$295,803
<u>Rapides Parish Police Jury</u>	<u>-\$195,848</u>
Total Revenue	-\$1,192,843

**III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS**

A. What persons, small businesses, or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

The proposed rule change will have an impact on several groups.

Given that they will no longer be eligible to receive SNAP benefits, the proposed change will have an economic cost to certain individuals convicted of crimes and individuals who receive a minimum level of lottery and gambling winnings.

Given that they will no longer be disqualified for SNAP benefits, the proposed change will have an economic benefit to certain individuals whose head of household does not the mandatory work registration requirements.

Given that the E&T program is no longer mandatory, the proposed change may have an economic benefit to individuals that were previously disqualified for SNAP benefits due to a failure to participate in the E&T program.

B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

The average monthly SNAP benefit for a Louisiana household is \$282.

**IV. EFFECTS ON COMPETITION AND EMPLOYMENT**

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

To the extent that an individual is less employable due to not participating in the E&T program, the proposed change may have an adverse impact on his employment opportunities.