

**NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES
BISMARCK, NORTH DAKOTA
June 28, 2021**

IM 5441

TO: Human Service Zones
Economic Assistance Policy Division

FROM: Michele Gee, Director, Economic Assistance

SUBJECT: SNAP Policy Updates

PROGRAMS: Supplemental Nutrition Assistance Program

EFFECTIVE: Immediately

**SECTIONS
AFFECTED:**

NEW 430-05-15-35 Legal Guardian and Power of Attorney(POA)
430-05-20-15 Application
430-05-20-60-30 Gross Income
430-05-20-85 TANF Information and Referral Services
430-05-35-40 Mandatory Verification
430-05-50-20-10 Unearned Income
430-05-55-15 Excludable Vendor Payments
430-05-85-10 Replacement Issuance
430-05-100-05 SFN 362 SNAP Computation Sheet

This IM contains new policy on a legal guardian and power of attorney, as well as updates to current policies to provide clarification and corrections. All references to TECS are being removed and county reference updated to human service zone within each of the sections.

Legal Guardian and Power of Attorney(POA)

430-05-15-35

An applicant may apply and indicate they have a legal guardian or power of attorney, and therefore do not specifically assign an authorized representative. In some instances, the legal guardian or power of attorney may still act on the behalf of the applicant for SNAP.

The applicant must be notified they are required to provide the legal guardianship or power of attorney documents to determine the authority level given to the guardian or POA. Upon receipt of the guardianship or POA document, the worker must forward the document to SNAP Policy to obtain legal interpretation of the authority the guardian or POA may have on behalf of the applicant.

Based on the legal interpretation, SNAP Policy will provide directive to the worker as to whether the guardian or POA may act on behalf of the applicant.

Application 430-05-20-15

An ~~SFN 405~~ Application for Assistance is considered incomplete if it contains only the applicant's name, address (residential or mailing) and signature of a responsible household member or authorized representative. The household must be advised that it does not have to be interviewed before filing the application and may file an incomplete application form. The incomplete application must be registered, the pending notice sent and the interview scheduled.

If the household files an application without an address (residential or mailing), it is not an application. The county human service zone must file the application and note on the form that it is not considered an application.

If a household provides a residential address but does not provide a mailing address and the applicant is not able to get their mail at their residence, General Delivery must be used. The worker must explain to the

household that they may not get information necessary to keep their case open. If mail is returned with an unknown address, the case, if otherwise eligible, would continue until review.

Section 1 of the ~~SFN-405~~ Application for Assistance can be filed and is used to screen applicants for expedited service. If the household files section 1, it must be registered as an application and an interview scheduled. The remainder of the application with signature on the last page, an interview and all mandatory verifications are required to process the application.

Exception:

For households entitled to expedited service, all mandatory verifications with the exception of identity must be postponed in order to meet the expedited processing standard.

The date of application is the date the ~~county~~ human service zone receives a signed ~~SFN-405~~ Application for Assistance provided the application was submitted during normal ~~county~~ North Dakota Department of Human Services business hours. When an application is submitted after normal ~~county~~ business hours, on a weekend, or on a North Dakota Department of Human Service holiday, the application is considered received the next business day. The ~~county~~ zone must document the date an application is filed by recording the date it was received on the application. The processing timeframe begins the day following the date of application.

~~For residents of institutions who apply prior to release, the date of application is the date of the release.~~

Residents of institutions are not eligible for SNAP due to receiving at least 50% of their meals from the institution.

Exception:

1. Individuals who are residents of federally subsidized housing for the elderly.
2. Individuals who are residents of a drug or alcohol treatment facility.
3. Individuals who are disabled or blind and are residents of a group living arrangement.

4. Individual women or women with children who are temporarily residing in a shelter for battered women and children.
5. Individuals who are residents of a public or private nonprofit shelter for homeless individuals.

If a person does not meet the exceptions listed above, that person is ineligible for SNAP, and any application submitted on behalf of that person prior to the individual's release from the institution shall be denied. However, if a resident of an institution applies jointly for SSI and SNAP prior to release from the institution through the SSA's Prerelease Program for the Institutionalized, the SNAP application shall be considered filed with the human service zone on the day the individual is released from the institution.

The ~~county~~ zone office must offer to provide copies of SNAP applications completed by households regardless of the method by which the application was submitted. The copy may be provided in paper or electronic format, unless the household requests the copy in electronic format, in which case, the ~~county~~ zone office must provide the copy in electronic format.

The ~~county~~ zone office must display signs indicating a household can request a paper copy of their online application near application kiosks.

An individual's signature on the application attests to providing full information and to understanding the reporting requirements of the program.

If a household has a pending application and files a second application the application date of the first application is used along with any additional information reported and verified from the second application to determine eligibility. Documentation on the second application must clearly state there already is a pending application for SNAP.

Gross Income 430-05-20-60-30

1. The unearned income for all household members must be verified.
2. Gross earned income must be verified for the following individuals:

- a. Age 18 and older.
- b. Age 16 and older if not attending school at least half-time.

If the person or organization providing the income has failed to cooperate with the household and the worker, and all other sources of verification are unavailable, the worker must determine an amount based on the best available information provided by the household. The worker must document the attempt to verify income and the income used.

Actual income from the month of application **through the date of interview** must be verified and documented. Income for the remainder of the month must be established and documented based on client information and prudent person judgment. This may include using verification of the last month's income if that is what the household anticipates for the first month of application.

If **all** income for the month of application is available prior to or on the interview date, that income must be used for the month of application. If the household anticipates a change, that change must be verified and used.

For all cases where income (both earned and unearned) is received either weekly or biweekly, income must be converted for benefit determination.

Biweekly is defined as receiving earnings every two weeks.

Example:

Individual receives a paycheck every other Monday.

To convert weekly earnings, total the weekly checks and divide by the number of checks (4 or 5) to arrive at the weekly average. The weekly average is then multiplied by 4.3.

To convert biweekly earnings, total the biweekly checks and divide by the number of checks (2 or 3) to arrive at the biweekly average. The biweekly average is then multiplied by 2.15.

Exception:

Income conversion does not apply to:

- 1. Income paid monthly or twice a month.**
- 2. Irregular income such as on-call or income from day labor even if they receive a pay check on every pay date.**

3. Self-employment income.

4. ~~Child support income.~~

4. Income will not be converted when it is known that a the household will not receive the income on each of the weekly or biweekly pay dates.

If tips, commissions, bonuses or incentives are paid or reported weekly or biweekly and are included in the gross income on the weekly or biweekly paycheck or pay stub, they are converted.

If tips, commissions, bonuses or incentives are paid or reported weekly or biweekly and are included on the paycheck or pay stub, but not in the gross income and the paychecks are received weekly or biweekly, they must be added to the gross income and converted.

If tips, commissions, bonuses or incentives are not paid weekly or biweekly, they are not converted. The tips, commissions, bonuses or incentives must be counted separately as earned income.

Examples:

1. Cash tips received daily and reported monthly are not converted.
2. Tips paid in a separate check that is not paid weekly or biweekly are not converted.
3. Household applies for benefits on October 5th and is interviewed on October 17th. At the interview the household reports they are paid every week on Fridays and verifies all earnings received in September and October to the date of interview. September earnings were received on the 1st, 8th, 15th, 22nd and 29th. The household received paychecks on October 6th and 13th and will receive additional paychecks on October 20th and 27th. They state at the interview that they expect the October 20th and 27th paychecks to be the same as what they received on the October 6th and 13th paycheck. The October 6th and 13th paycheck must be totaled and divided by two. This amount must then be multiplied by 4.3 and used to determine eligibility and level of benefits for the month of October.

4. Household applies for benefits on October 17 and is interviewed on October 26th. At the interview the household reports they are receiving biweekly earnings and verifies checks received on October 3rd and October 17th. The household will receive a third check on October 31st. The employment is expected to continue. The October 3rd and October 17th checks must be totaled and divided by two. This amount must then be multiplied by 2.15 and used to determine eligibility and level of benefits for the month of October.
5. Household applies for benefits on January 15 and is interviewed on January 17. At the interview the household reports they are paid weekly, and they only received one paycheck in January due to the weather. The household anticipates receiving all remaining paychecks in January and do not know if they will receive all paychecks in February. Income would not be converted for January to determine eligibility and level of benefits because the household did not receive a paycheck.

Since it is not known whether the household will receive weekly earnings in February, the income must be converted. The checks from January must be multiplied by 4.3 when determining eligibility and level of benefits for February.

TANF Information and Referral Services 430-05-20-85

Any household in which ALL members receive or are authorized to receive TANF Information and Referral Services are eligible as a TANF Information and Referral Services (TANF I & R) household. SNAP households receive TANF I & R services through the receipt of the DN 246 - TANF I & R brochure or the DN 405 - Application for Assistance Guidebook. All applicants and recipients are authorized and notified of these services by signing the [Application for Assistance](#) or the [Application for Review](#). Both of these forms include a statement that if the household is eligible for TANF Information and Referral Services, the household has been notified and is authorized to receive TANF Information and Referral Services.

The ~~county~~ human service zone will provide individuals with information and referrals to various other agencies, programs, organizations and community/county resources that could be of benefit to the household (such as housing, Child Care Assistance, Salvation Army, Community Action, Job Services, Bureau of Indian Affairs, etc.).

Automatic Asset Test

TANF I & R households will automatically pass all asset tests in TECS based on participation codes.

Households must provide verification of assets, if questionable, in order to receive TANF Information and Referral Services. If assets are questionable based on sound judgment of the eligibility worker and the household fails or refuses to provide verification, the household is not eligible for TANF Information and Referral Services.

If a household is not eligible for TANF I & R, verification of questionable assets is required. The worker must send the Notice of Eligibility denying the application or review for failure to provide information to the household.

Exception:

Households with a member who is disqualified for work requirements, a disqualified alien, an ineligible ABAWD, or failure to provide an SSN can remain TANF I & R eligible. The household must pass the asset test, 200% gross income test and the 100% net income test. Only the disqualified individual's assets are applied to the asset test.

However, if a household with a disqualified member also includes a member that is elderly or disabled, the household must pass the asset test and 100% net income test. Only the disqualified individual's assets are applied to the asset test.

Exception:

When an individual in a SNAP household reports they have received lottery and/or gambling winnings equal to or greater than \$3,500, we must close or deny the SNAP case

and the household will not be considered categorically eligible.

Income Test

TANF I & R households must pass the 200% gross income and 100% net income test based on household size. If the household fails the 200% gross income or 100% net income test, the worker must deny the application using the Notice of Eligibility with excess asset income information documented. When a household's net income exceeds the level at which benefits are provided, the worker must deny the application using Notice of Eligibility with the zero benefit information documented.

Exception:

If the TANF I & R household fails the 200% gross income test and includes an elderly or disabled household member, the household is not considered a TANF I & R household and must be tested a second time under regular SNAP rules. Regular SNAP rules require these households to pass the asset test and 100% net income tests only.

If the household fails the asset test, the worker must deny the application using the Notice of Eligibility with the excess asset information documented. If the household passes the asset test but fails the net income test, the worker must deny the application using the Notice of Eligibility with the excess income information documented.

Non-TANF I & R Households

Households with a member who is disqualified for fraud (DF) are not TANF I & R eligible. The household must pass the asset test, 130% gross income test and 100% net income test. All household members' assets are applied to the asset test.

Exception:

When an individual in a SNAP household reports they have received lottery and/or gambling winnings equal to or greater than \$3,500, we must close or deny the SNAP case and the household will not be considered categorically eligible.

Mandatory Verification 430-05-35-40

The eligibility worker MUST verify the following information at **review**:

1. SSN - must be provided for all household members not previously provided.

Exception - Newborn:

A newborn without a SSN must be included in the household. The household must provide the SSN or proof of application at the next review or within six months following the month the baby is born, whichever is later.

2. Identity - Must be verified for a newly designated [authorized representative](#) if the authorized representative completes the interview.
3. Residency - Must be verified if household has moved.
4. Disability:
 - a. Permanent disability, not previously verified, must be verified for any household member.
 - b. If the disability is not obvious, the household must provide a statement from a physician, licensed or certified psychologist, certifying that the individual is disabled.
5. Income:
 - a. Changes in the source of income must be verified.
 - b. The unearned income for all household members must be verified.
 - c. Gross earned income must be verified for the following individuals:
 - (1) Age 18 and older.
 - (2) Age 16 and older if not attending school at least half time.

A full month's earned and unearned income from the base month or month of review if received by the household prior to the date the review

was filed must be verified and used. If a pay stub is missing, year to date totals can be used to calculate the income.

If **all** income for the month of review is verified, that income must be used for the first month of the new review period. If the household anticipates a change for the first month of the new review period, **that** change must be verified and used.

If all income for the month of review is not available or was not received prior to the date the review was filed and the household cannot reasonably anticipate the amount of income for the first month of the new review period, base month income must be verified and used.

Earned and unearned income received either weekly or biweekly (every two weeks), must be converted for benefit determination.

EXCEPTIONS:

Income conversion does not apply to:

- 1. Income paid monthly or twice a month.**
- 2. Irregular income such as on-call or income from day labor even if they receive a pay check on every pay date.**
- 3. Self-employment income.**
- ~~4. Child support income.~~**

4. Income will not be converted when it is known that a household will not receive the income on each of the weekly or biweekly pay dates.

To convert weekly earnings, total the weekly checks and divide by the number of checks (4 or 5) to arrive at the weekly average. The weekly average is then multiplied by 4.3.

To convert biweekly earnings, total the biweekly checks and divide by the number of checks (2 or 3) to arrive at the biweekly average. The biweekly average is then multiplied by 2.15.

If tips, commissions, bonuses or incentives are paid or reported weekly or biweekly and are included in the gross income on the weekly or biweekly paycheck or pay stub, they are converted.

If tips, commissions, bonuses or incentives are paid or reported weekly or biweekly and are included on the paycheck or pay stub, but not in the gross income and the paychecks are received weekly or biweekly, they must be added to the gross income and converted.

If tips, commissions, bonuses or incentive are not paid weekly or biweekly, they are not converted. The tips, commissions, bonuses or incentives must be counted separately as earned income.

Examples:

1. Cash tips received daily and reported monthly are not converted.
2. Tips paid in a separate check that is not paid weekly or biweekly are not converted.
3. Household files an application for review for June benefits on May 17th and no interview is required. The household reports they continue to be paid every week on Fridays and verifies all earnings received in April and May to the date of review. April earnings were received on the 1st, 8th, 15th, 22nd and 29th. The household received paychecks on May 6th and 13th and will receive additional paychecks on May 20th and 27th. The April 1st, 8th, 15th, 22nd, and 29th paychecks must be totaled, divided by five and then multiplied by 4.3. This amount must be used for June.

If the household anticipates a change in May income, the change must be verified and May income used for June.

4. Household files an application for review for November benefits on October 17 and is interviewed on October 26th. At the interview the household reports they continue to receive biweekly earnings and verifies checks received on October 3rd and October 17th. The household will receive a third check on October 31st. The income is expected to continue. The October 3rd and October 17th checks must be totaled and divided by two. This amount must then be multiplied by 2.15 and used to

determine eligibility and level of benefits for the month of November.

5. Household files an application for review for February benefits on January 15 and is interviewed on January 17. At the interview the household reports they are paid weekly, however, they only received three of four weekly paychecks in December due to the weather. The household does not know if they will receive all of the weekly earnings in February. Since it is not known whether the household will receive weekly earnings in February, the income must be converted. The three checks from December must be divided by three and then multiplied by 4.3.

Documentation must explain how the eligibility worker arrived at the amount of income used.

In all examples that follow, pay dates are the 5th and 20th of each month.

Calculation:	Example: Documentation must support the use of these amounts.
March 20 \$400.00 April 5 <u>\$425.00</u> \$825.00	a) Current income. Household submitted an application for review on April 5 and provides March 5 check - \$250.00 gross income, March 20 check - \$400.00 gross income, and April 5 check - \$425.00 gross income. The household indicates that March 5 check is short hours due to inclement weather. Household anticipates May income to be the same as March 20 and April 5 checks. These two checks – totaling \$825.00 gross income are used to determine May benefits.

<p>April 5 \$ 350.00 <u> X2\$700.00</u></p>	<p>b) Decreased income.</p> <p>Household submitted an application for review on April 5 and provides March 5 check - \$500.00 gross income, March 20 check - \$500.00 gross income, and April 5 check - \$350.00 gross income. April 5 check indicates a decrease in hours. The household indicates the decrease in hours is ongoing due to employer cutting back all employee's hours. Take April 5 check times two to anticipate May gross income of \$700.00. The April 5 check verifies the decrease in hours unless the worker, using prudent judgment, believes it is necessary to obtain additional verification.</p>
<p>March 5 \$300.00 March 20 <u>\$450.00</u>\$750.00</p>	<p>c) No change – Base Month.</p> <p>Household submitted an application for review on April 5 and provides March 5 check - \$300.00 gross income, March 20 check - \$450.00 gross income, and April 5 check - \$190.00. The household indicates March income is what they anticipate for the month of May. March income totaling \$750.00 gross income is used to determine May benefits.</p>
<p>April 5 \$640.00 <u>Divided By \$8.00</u> 80 Hour</p>	<p>d) Increased income.</p> <p>Household submitted an application for review on April 5 and provides March 5 check -</p>

$ \begin{array}{r} \$8.40 \\ \times 80 \\ \hline \$432.00 \\ \\ \$672.00 \\ \times 2 \\ \hline \$1344.00 \end{array} $	<p>\$640.00 gross income, March 20 check - \$640.00 gross income, and April 5 check - \$640.00 gross income. The household reports and verifies a pay raise from \$8.00 per hour to \$8.00 per hour that will be reflected on April 20 paycheck. Household indicates no change in 40 hours per week. Take April hours from the April 5 check times the new pay rate times two to anticipate May gross income of \$1344.00.</p>
<p>April 5 \$510.00 April 20 <u>\$480.00</u> \$990.00</p>	<p>e) Late review – Current Income. Household submitted an application for review on April 27. The household provides March 5 check - \$490.00 gross income, March 20 check - \$490.00 gross income, April 5 check - \$510.00 gross income, and April 20 check - \$480.00 gross income. Household indicated that there would be no change in income for May. April gross income totaling \$990.00 is used to determine May benefits.</p>
	<p>f) Late review– Pended. Household submitted an application for review on April 27 and provides March 5 check - \$200.00 gross income and March 20 check - \$600.00 gross income. All April income has been received by household prior to the date of the application for review. The</p>

	review must be pended for verification of all April income. If not provided by May 27, the application for review must be denied.

6. Deductible Expenses - The eligibility worker must document the request for verifications. **If not provided the expense is not allowed.**

There is no requirement that expenses be paid, only incurred.

Exception:

Child support must be paid.

- a. Rent - Must be verified only if the amount has changed or the household has moved.
- b. Mortgage Payment (including a second mortgage) - Must be verified only if the amount has changed or household has moved.
- c. Mobile Home Lot Rent - Must be verified only if the amount has changed or household has moved.
- d. Condominium and Association Fees
- e. Property Taxes - (if not included in the mortgage payment). Must verify most current years incurred amount if not previously verified.
- f. Homeowners Insurance - (if not included in the mortgage payment). Must verify most current amount if not previously verified.
- g. Legally Obligated/Actual Child Support Paid – Court ordered amount, child support paid, including arrearages, health insurance premiums and vendor payments, must be verified.
- h. Dependent Care Deduction - Current adult or child care expenses must be verified.
- i. Incurred Medical Expenses for Elderly (60 years of age) or Disabled Individuals must be verified.

- If a household has previously verified medical expenses more than \$35 at application and chose the Standard Medical Expense deduction. At review, if the household reports medical expenses more than \$35 but less than \$175, the standard medical expense deduction must be allowed without requiring verification.
 - If the household reports medical expenses more than \$175 at review, verification of ALL medical expense must be provided to allow the actual medical expenses.
 - If the household provides some, but not all verifications and the verifications exceed \$35, the Standard Medical Expense must be allowed.
- j. Utility Expenses – verification of current expenses must be provided when a household has moved.
- k. Representative Payee Fees
7. Alien Status - Must be verified for any new household members.
8. Verification of Questionable Information
- a. Assets
 - b. Household Composition
 - c. Citizenship - for any new household members.
 - d. Any other household discrepancies

All documentary evidence must be date stamped the day it is received at the ~~county~~ zone office. It is unacceptable to use the date the verifications are scanned into the case file as the date stamp. An electronic date stamp is acceptable as long as it is part of the document and stamped the day the verification is received.

Unearned Income 430-05-50-20-10

Unearned income is income not gained by current labor, service, or skill. Most unearned income is the result of past labor, services, or investments, which have enabled the individual to receive a current benefit or pension.

If unearned income is withheld for:

- Child support or taxes, the gross amount must be counted.
- Repayment of an overpayment from the same source, the net amount must be counted.

EXCEPTION:

When there is a reduction in a TANF benefit due to failure to perform a required action or for IPV and an overpayment is being recouped, the gross amount of the TANF grant must be counted as income if the individual was receiving SNAP benefits at the time the penalty was imposed.

- Repayment of another source, the gross amount must be counted.

Examples:

1. Back Taxes
2. Defaulted Student Loan

When unearned income is held at the request of an individual, it is considered income in the month normally received.

Unearned income includes, but is not limited to:

1. Payments from Social Security Administration:
 - Retirement, Survivors, and Disability Insurance (RSDI)
 - Supplemental Security Income (SSI)
 - Presumptive SSI

Lump sum retroactive adjustments from Social Security due to changes in an individual's earnings record will be considered as follows:

If the individual received SSA benefits AND had earnings in the year prior to the adjustment, the adjustment will be considered a recurring lump sum benefit.

If the individual did not receive SSA benefits OR did not have earnings in the year prior to the adjustment, the adjustment will be considered a non-recurring lump sum benefit.

2. Unemployment and Workforce Safety and Insurance

These benefits are paid on an Electronic Benefits Card and are considered income:

- a. On the date received; or
- b. When available and the recipient has a legal ability to access the income for support or maintenance.

NOTE: Unemployment received by an individual in the SNAP household under the age of 18 is countable unearned income.

If the household cannot verify the date of actual receipt, the receipt date is deemed to be either:

- a. The date funds were deposited into the account based on a bank statement from the electronic payment card vendor or their personal bank account; or
- b. Two working days after the date the WSI or UIB was processed.

3. Other benefits, including but not limited to:

- Monthly or regular payments from annuities, pensions and other retirement plans (including dividends and interest). Penalties if any should be deducted from the gross disbursement amount.
- General Assistance
- Income deemed to a community spouse or household member
- Military Allotment received from non-household member.
- Short term or long-term disability or loss of time insurance payments for illness or injury paid by someone other than the employer (AFLAC, CIGNA, Thrivent, etc.).
- Railroad benefits
- Veterans benefits other than those designated for education
- Union Compensation during strikes

EXCEPTION:

Households with a member who is on [strike](#) may or may not be eligible for SNAP

4. TANF and Diversion Assistance, including:

- Job Retention portion of TANF Transition Assistance
- TANF Kinship Care

EXCEPTION:

JOBS Supportive Services, TANF Supportive Services and Special Items of Need that represent a reimbursement are not counted as income.

The housing allowance is not considered a reimbursement, and is counted as unearned income.

When there is a reduction in a TANF benefit due to failure to perform a required action or for IPV and an overpayment is being recouped, the gross amount of the TANF grant must be counted as income if the individual was receiving SNAP benefits at the time the penalty was imposed.

For TANF Pay After Performance, during the first four months the grant for the children's needs must be anticipated and counted. Since the portion of the grant for the Pay After Performance individual's needs cannot be anticipated during any of the first four months, it is not anticipated. If the individual is complying and their needs are prospectively included in the grant for month five, the grant including the individual's needs must be counted.

5. [Child Support and Spousal Support](#) - Court-Ordered and Voluntary
6. [Unearned income as a result of self-employment](#).
7. [Tribal Payments and Individual Indian Monies \(IIM\) Accounts](#) - This section includes the policy regarding the treatment of this income.
8. Foster Care Payments, including continuing education and job-training through PATH Inc.

EXCEPTION:

Foster care payments when the foster child is not included as a household member are excluded.

9. Recurring Lump Sum Payments are those payments that can be reasonably anticipated to be received more than once. Payments may be recurring monthly, quarterly, yearly, etc.

Recurring payments are prorated over the period of time intended to cover.

Recurring Lump Sum Payments include but are not limited to the following:

- Gambling winnings
 - Mineral lease bonuses, oil and gas royalties. Any mandatory production taxes withheld prior to distribution are not counted and are allowed to reduce the amount of countable income. Any income taxes withheld are not allowed to reduce the amount of countable income.
 - Alaska Permanent Fund Payments
 - Insurance settlements
 - Inheritance
 - Income received from a trust - Submit SFN 1947 - Request for Trust Review, along with complete copies of all trust agreements to the Legal Advisory Unit of the Department of Human Services for review.
 - Lump sum retroactive social security payments when the individual had earnings in the year prior to the adjustment.
10. Cash Contributions received on a regular basis that can be reasonably anticipated.

EXCEPTION:

Cash contributions of less than \$30 per quarter are not counted.

11. Contracts for Payment. When an applicant or recipient has sold property with a contract to receive a series of periodic payments, rather than one payment, the arrangement is usually called a "contract for deed". The essential feature of the contract for deed is the right to receive future payments, usually coupled with a right to get the property back if the payments are not made. Contractual rights to receive money payments also arise out of other types of transactions. The valuable contract document may be called a note, accounts receivable, mortgage, or by some other name.

NOTE: Some contractual rights may be written so the lender has the right to demand payment at any time. If so, the note is considered a demand note and can be called in at any time. If a note is written so the lender does not have the right to demand payment but the note is in default, it also becomes a demand note. Contractual rights may or may not have collateral or security to guarantee payment.

The payments will include both interest and a portion of the sale price of the property that was sold (principle) and must be calculated separately.

The interest portion of payments received for any contractual right to receive payments (such as Contracts for Deed) must be counted as unearned income. The payment must be prorated over the period of time intended to cover.

12. Refugee Cash Assistance Payments – Payments received under the Refugee Cash Assistance Program or the Wilson/Fish Alternative Program.
13. State Long Term Care Subsidy – Individuals receiving a payment of up to \$20 from the State Long Term Care Subsidy Program.
14. Money deposited into a Joint Checking or Savings Account - Money deposited, when the depositor is not a member of the household, is counted as unearned income in the month in which it is deposited.

Money deposited by an ineligible household member will also be counted as unearned income. Excluded income that is deposited in a joint checking account by an ineligible student is not counted as income.

EXCEPTION:

If the client's name appears on a signature card, but no member of the household has an ownership interest in that account, funds in the account are not available as income or asset.

15. Money obligated to the household which is diverted by the household for an expense.

Examples:

1. TANF benefits diverted to a Protective Payee
2. Payment diverted to a Representative Payee

Excludable Vendor Payments 430-05-55-15

Excludable vendor payments are those payments in money made by either an individual who is not a household member or by a public or private organization directly to a third party for a household expense. These payments are not counted as income and the payment paid to the third party for a household expense is not an allowable deduction.

Examples:

- 1. A rent payment, when it is paid directly to the landlord by a relative or friend who is not a household member, if the payment is not considered a loan.**
- 2. Rent or mortgage payments paid by Housing Assistance Program (HAP) or a local housing authority directly to the landlord or mortgagee.**
- 3. Payments by a government agency directly to a child care agency.**
- 4. TANF vendor payments are excludable if they are made for:**
 - a. Medical assistance**
 - b. Child care assistance**
 - c. Energy assistance**
 - d. Emergency assistance (including, but not limited to housing and transportation) for migrant or seasonal worker households while they are in the job stream.**
 - e. Housing assistance made through a State or local housing authority.**
- 5. GA vendor payments are excludable (except for housing) if they are made for:**

- a. Energy assistance.**
- b. Housing assistance from a State or local housing authority.**
- c. Emergency assistance for migrant or seasonal worker households while they are in the job stream.**
- d. Emergency or special assistance payments.**
- e. Assistance provided under a program in a State in which no GA payments may be made directly to the household in the form of cash.**

Exception:

Tribal GA payments are countable.

6. Money received and disbursed by a third party for a household expense from a benefit or fund raiser.

7. Rent Bridge or COVID Emergency Rental Assistance (CERA) payments paid directly to landlord.

Replacement Issuance 430-05-85-10

A replacement issuance must be provided when a household reports that food purchased with SNAP benefits was destroyed in a household disaster or misfortune, such as but not limited to:

- A fire
- A flood
- A tornado
- Loss of electricity due to a power outage of more than 4 hours

- Food stolen from a client's home
- Malfunction of an appliance
- If a household reports their EBT card was stolen and benefits were used AFTER this was reported

NOTE: If a household reports their EBT card was stolen and benefits were used PRIOR to this being reported, a replacement cannot be authorized.

The household need not be currently participating. The worker must verify the loss through a collateral contact such as, but not limited to, the fire department, Red Cross, a police report, landlord or a home visit.

The worker must document in the household's case file each request for replacement, the date, the reason, and whether or not a replacement was provided.

Replacement issuances are provided **only**:

- If a household timely reports the loss within 10 days of the loss.
- If a signed [SFN 270 - Request for Replacement](#) or signed statement from the client is received within 10 days of the date of the report.

The signed [SFN 270 - Request for Replacement](#) or signed statement from the client must be ~~faxed to the State Office~~ [emailed to SNAP policy](#) along with verification of the loss. ~~The State Office~~ [SNAP Policy](#) completes all replacements. The worker must retain a copy in the case file.

If the worker does not receive the signed [SFN 270 - Request for Replacement](#) or signed statement from the client within 10 days of the date of the report, **no replacement is made**. If the 10th day falls on a weekend or North Dakota Department of Human Services holiday, and the request or statement is received the day after the weekend or North Dakota Department of Human Services holiday, the worker must consider it timely.

There is no limit to the number of replacements.

The maximum replacement cannot be for more than one month and cannot be more than the Thrifty Food Plan if that had been the original amount issued, unless the issuance includes [underpayments](#) which must be replaced.

SFN 362 - SNAP Computation Sheet 430-05-100-05

The use of this form is [for training purposes and is for optional use by the worker.](#) ~~and~~ The purpose is to provide the worker with a budget to compute SNAP benefits. The form should be retained in the household case file.

** Enter SNAP household size in upper right hand corner.

1. Enter total monthly gross earned income from all sources.
2. Multiply Line 1 by 80% and enter here.
3. Enter total monthly unearned income for all sources.
4. Add Line 2 and Line 3.
5. Expenses:
 1. Enter farm loss offset, if appropriate.
 2. Enter the standard deduction.
 - c. Complete the medical deduction computation before making any entry on this. Enter medical costs for elderly/disabled households: Total medical \$_____ minus \$35.00 = _____.
 - d. Enter actual out-of-pocket child care costs not to exceed the maximum allowable.
 - e. Enter child support paid to a non-household member.

Total lines 5a through 5e and enter on Line 5.

6. Subtract Line 5 from Line 4.

7. Excess shelter costs:

1. Enter rent or mortgage payment.
2. Plus property taxes and home owner's insurance.
- c. Plus actual utilities or the standard utility allowance (SUA) or the telephone standard (TL)
- d. Add Line 7a through 7c and enter total here.
- e. Enter 50% or ½ of Line 6.

Subtract Line 7e from Line 7d (up to allowance maximum).

8. Subtract Line 7 from Line 6 to arrive at the net adjusted SNAP income.
9. Enter the Thrifty Food Plan amount for the household size.
10. Multiply Line 8 times 30%.
11. Subtract Line 10 from Line 9 and round down by dropping cents.

Example:

\$40.49 would round down to \$40.00.

12. Enter the proration multiplier from the proration chart to determine the amount of benefits during the initial month.
13. Enter the net benefit after proration (for initial application only) and round down by dropping cents.

Example:

\$20.56 would be rounded to \$20.00.

NOTES/DOCUMENTATION:

Enter verifications, calculations, and other documentation in this section.

This form is available through the Department of Human Services and may also be obtained electronically via [E-Forms](#). (50 kb pdf)

E-Forms are presented in Adobe Acrobat and require the Adobe Acrobat reader. If you do not currently have Adobe Acrobat reader installed, you may download a free copy by clicking the Get Adobe Reader icon below.