

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES**  
**DIVISION OF SOCIAL SERVICES**

Statutory Authority: 31 Delaware Code, Section 512 (31 Del.C. §512)

**PROPOSED**

**PUBLIC NOTICE**

**FOOD SUPPLEMENT PROGRAM**

**9008 Residency**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of Title 31 of the **Delaware Code**, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Social Services is proposing to amend Food Supplement Program policies in the Division of Social Services Manual (DSSM) regarding *Residency*.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to Sharon L. Summers, Policy, Program and Development Unit, Division of Social Services, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to (302) 255-4425 by March 4, 2009.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

**Summary of Proposed Change**

The proposed change described below amends Food Supplement Program policies in the Division of Social Services Manual (DSSM) regarding *Residency*.

**Statutory Authority**

7 CFR §273.3, *Residency*

**Summary of Proposed Change**

**DSSM 9008, *Residency***. The proposed rule is amended to be easier to read and understand. The change clarifies that residents can leave the state and remain eligible for food benefits during temporary absences when they intend to return to the state.

**DSS PROPOSED REGULATION #09-01**

**REVISION:**

**9008 Residency**

[7 CFR 273.3]

~~A household shall live in the State in which it files an application for participation. Households will file applications for participation in specified office locations according to zip codes. However, an application filed at any office within the State will be considered filed the same day. No individual may participate as a member of more than one household or in more than one project area, in any month, unless an individual is a resident of a shelter for battered women and children, and was a member of a household containing the person who had abused him or her.~~

~~Residents of shelters for battered women and children will be handled in accordance with DSSM 9080. Do not impose any durational residency requirements. A fixed residence is not required. Nor will residency require an intent to reside permanently in the State or project area. Persons in a project area solely for vacation purposes will not be considered residents. Migrant campsites satisfy the residency requirement.~~

~~When a household moves within the State, DSS will transfer the household's casefile to the new office and continue the household's certification without reapplication. The current office shall act on changes in household circumstances resulting from the move before transferring the casefile to the new office.~~

Individuals must live in Delaware to get food benefits from this state.

### **Filing Applications in Local Offices**

Individuals will file applications for benefits at local offices based on zip codes. Any office will accept an application and consider it filed the same day.

### **No Duplication of Benefits**

An individual cannot participate as a member of more than one household in any month. There is an exception for individuals who are residents of shelters for battered women and children. Refer to DSSM 9080 for the rules for residents of shelters for battered women and children.

### **No Durational Requirements**

There is no requirement for an individual to live in Delaware for any specific length of time. A fixed residence is not required. Residency rules do not require intent to reside permanently in Delaware. Migrant campsites meet the residency requirements.

### **Non-Residents**

Individuals vacationing in Delaware are not considered as residents of this state.

### **Moving Within the State**

When a household moves within the state, DSS will transfer the household's case file to the new office. The household's certification period continues without having to reapply. The current office will act on changes in household circumstances resulting from the move before transferring the case file to the new office.

### **Temporary Absences Out of State**

Households that temporarily leave the state, maintain their Delaware residency and intend to return can continue to receive benefits. This includes, but is not limited to, households on vacation or taking care of a sick family member in another state. This does not include households that leave for military deployment or hospitalizations that will exceed 30 days.

### **Homeless Households**

Homeless individual means an individual who lacks a fixed and regular nighttime residence or an individual whose primary nighttime residence is:

- A supervised shelter designed to provide temporary accommodations (such as a welfare hotel or congregate shelter);
- A halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized (applied to individuals released from institutions who still need supervision, not prisoners considered to be detained under a Federal or State law while in a halfway house);
- A temporary accommodation in the residence of another individual if the accommodation is for no more than 90 days.
- The 90-day period starts at application or when the household reports a change.
- The 90-day period starts over when a household moves from one residence to another.
- If a homeless household leaves, for whatever reason, and returns to the same residence, the 90-day period will start over again.
- If a household has a break in receiving food benefits, the 90-day period will not start over if the household remains in the same residence. The 90-day period will start over if the household moved to another residence.

**12 DE Reg. 1048 (02/01/09) (Prop.)**