

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF SOCIAL SERVICES

Statutory Authority: 31 Delaware Code, Section 512 (31 Del.C. §512)
16 DE Admin. Code 9000

PROPOSED

PUBLIC NOTICE

Food Benefit Certification

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del. C.** §512, Delaware Health and Social Services ("Department") / Division of Social Services (DHSS/DSS) is proposing to amend the Division of Social Services Manual (DSSM) regarding Food Benefit Certification.

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, Division of Social Services (DSS), 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to DHSS_DMMA_Publiccomment@Delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on March 4, 2024. Please identify in the subject line: Food Benefit Certification.

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 PROPOSAL

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Social Services (DSS) is proposing to amend the Division of Social Services Manual (DSSM) regarding Food Benefit Certification.

Statutory Authority

7 CFR 273.10 (f)

Background

DSSM 9068 is being amended to reflect the changes from 24-month to 12-month certification periods for households in which all members are elderly or disabled, and from 12-month to 6-month certification periods for all other households participating in SNAP. DSS is shortening SNAP certification period lengths to eliminate the SNAP periodic review and to help reduce errors caused when households do not report changes in circumstances during the certification period. DSSM 9068 was also updated with current case processing procedures and DSSM 9068.1 through DSSM 9068.5 will be sunset with relevant information from these policies added to DSSM 9068.

Summary of Proposal

Purpose

The purpose of this proposed regulation is to sunset DSSM 9068.1 through DSSM 9068.5 and add relevant information from these policies to DSSM 9068. The proposed policy will also explain the requirements for certification periods in the Supplemental Nutrition Assistance Program (SNAP), including assigning certification periods, when the certification period begins and ends, and adjusting or terminating certification periods based on household circumstances.

Summary of Proposed Changes

Effective for services provided on and after April 11, 2024, Delaware Health and Social Services (DHSS) /Division of Social Services (DSS) proposes to amend the Division of Social Services Manual (DSSM) regarding Food Benefit Certification.

Public Notice

In accordance with the state public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DSS gives public notice and provides an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments should be received by 4:30 p.m. on March 4, 2024.

Fiscal Impact

DSSM 9068 is already in effect and there are no new financial responsibilities associated with the regulation.

9000 Food Stamp Program

9068 Assigning Certification Periods for Food Benefits

[7 CFR 273.10(f)]

Statutory Authority

7 CFR 273.10(f)

~~DSS approves eligible households for a defined number of months called a certification period. The certification period is the period of time that DSS determines a household is eligible to receive benefits.~~

~~At the end of the certification period, entitlement to food benefits expires. DSS will not issue any further food benefits until the household completes a new application, is interviewed and provides all necessary verifications.~~

~~The first month for which the household is eligible to participate starts the first month of the certification period. DSS will assign certification periods according to each household's circumstances.~~

~~The certification periods for all households shall not exceed 12 months, except households listed in DSSM 9068.2.~~

A certification period is the set amount of time that an approved household is eligible to receive food benefits.

1. DSS assigns approved food benefit households a certification period based on each household's circumstances at application and recertification.
2. DSS will assign the following certification periods to food benefit households:
 - A. A 12-month certification period will be assigned to households in which all members are elderly or disabled as defined in DSSM 9094 and have no earned income.
 - B. A 6-month certification period will be assigned to all other households.

<u>Exception: Households certified on an expedited basis who have postponed verifications will be assigned an initial 1-month or 2-month certification period as specified in DSSM 9046.1.</u>
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3. The certification period begins the first month that a household is eligible for food benefits.

Examples:

- i. A household submits a food benefit application on January 10. The household is determined eligible for January. The first month of the household's certification period is January.
 - ii. A household submits a food benefit application on January 28. The household is determined eligible for January, but does not receive a benefit issuance due to a prorated benefit of less than \$10.00. The first month of the household's certification period is January.
 - iii. A household submits a food benefit application on January 5. The household is determined to be over income for January, but eligible beginning February. The first month of the household's certification period is February.
4. A household's eligibility for food benefits expires at the end of the certification period.
 5. Households must complete the recertification process according to DSSM section 9091 and have their renewal application approved to establish a new certification period and continue receiving food benefits.
 6. DSS may terminate a food benefit household's certification period before the assigned end date only for the following reasons:
 - A. The household becomes ineligible due to a reported change and the food benefit case is closed as required by DSSM section 9085; or
 - B. The household fails to respond to a Request for Contact during the certification period and the food benefit case is closed as required by DSSM 9085.5; or
 - C. The household requests for their food benefit case to be closed.
 7. DSS case workers will not adjust certification period lengths unless instructed to do so by management or the Information Systems Unit (ISU).
 8. DSS informs households of the begin and end dates of their certification periods on the food benefit approval notice.

9068.1 12-Month Certification Periods

~~Assign households subject to simplified reporting, except the elderly or disabled households per DSSM 9068.2, a 12-month certification period.~~

~~Households assigned a 12-month certification period are required to complete and return an interim report in the 6th month of the certification period.~~

~~2 DE Reg. 2271 (6/1/1999)~~

~~8 DE Reg. 114 (7/1/2004)~~

~~12 DE Reg. 462 (10/01/08)~~

~~13 DE Reg. 1086 (02/01/10)~~

9068.2 24-Month Certification Periods for Elderly or Disabled Households

~~Assign a 24-month certification period to households where all members are elderly or disabled and have no earned income.~~

~~Households assigned a 24-month certification period are required to complete and return an interim report in the 12th month of the certification period.~~

~~13 DE Reg. 1086 (02/01/10)~~

9068.3 Length of Certification Periods

~~Assign each household the longest certification period possible based on its circumstances.~~

~~Households with unstable circumstances can be assigned a certification period consistent with their circumstances, but no less than 4 months.~~

~~13 DE Reg. 1086 (02/01/10)~~

9068.4 Shortening Certification Periods

~~Households certification periods will not be terminated before the assigned certification periods end except for the following reasons:~~

- ~~- DSS receives information that the household has become ineligible, or~~
- ~~- The household fails to respond to a Request for Contact to resolve unclear information.~~

~~Households certification periods will not be shortened due to loss of cash assistance or change in employment status.~~

~~Close or adjust households benefits in response to reported changes according to DSSM 9085.~~

~~Do not use the Notice of Expiration to shorten a certification period.~~

~~13 DE Reg. 1086 (02/01/10)~~

9068.5 Lengthening Certification Periods

~~When needed, lengthen a household's certification period after it has been assigned as long as the total months of certification do not exceed 12 months.~~

~~Inform households whose certification is lengthened of the new certification ending date with a notice containing the same information as the notice of eligibility.~~

~~13 DE Reg. 1086 (02/01/10)~~

~~27 DE Reg. 577 (02/01/24) (Prop.)~~