

Rule Summary and Fiscal Analysis (Part A)**Department of Job and Family Services**

Agency Name

Division of Food Stamps

Division

Michael Lynch

Contact

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5101:4-2-03

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Food assistance: assistance group definitions.**RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **No**
2. Are you proposing this rule as a result of recent legislation? **No**
3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **111.15**
4. Statute(s) authorizing agency to adopt the rule: **5101.54**
5. Statute(s) the rule, as filed, amplifies or implements: **329.04, 329.042, 5101.54**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is being proposed for amendment to incorporate additional language based upon revisions to federal regulations.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule describes the eligibility of various assistance groups and individuals who must be included or excluded in the assistance group. 7 CFR 273.11(n) now defines the terms "fleeing" "probation and parole violator" and "actively seeking." As a result, the following changes were made to this rule:

Added paragraph (D)(6)(a) to define an individual as "fleeing" when: 1) there is a felony warrant for an individual; 2) the individual is aware of, or should reasonably be able to expect that, a warrant has or would have been issued; 3) the individual has taken some action to avoid being arrested or jailed; and 4) a law enforcement agency is actively seeking the individual.

Added paragraph (D)(6)(b) to define an individual as a "probation or parole violator" when: (1) There is an outstanding warrant for the individual due to violating a condition of his or her probation or parole imposed under a federal or state law, and (2) law enforcement is actively seeking the individual to enforce the conditions of probation or parole. Food and Nutrition Services (FNS) has provided clarification that an individual determined to have violated any probation or parole imposed under federal or state law will be disqualified for Supplemental Nutrition Assistance Program (SNAP) eligibility; the violation is not limited to felony charges.

Added paragraph (D)(6)(c) to define "actively seeking" as any of the following:

1. A federal, state, or local law enforcement agency informs a county agency that it intends to enforce an outstanding felony warrant or to arrest an individual for a probation or parole violation within 20 days of submitting a request for information about the individual to the state agency;
2. A federal, state, or local law enforcement agency presents a felony arrest warrant as provided in paragraph (D)(6)(a)(i); or
3. A federal, state, or local law enforcement agency states that it intends to enforce an outstanding felony warrant or to arrest an individual for a probation or parole violations within 30 days of the date of a request from a county agency about a specific outstanding felony warrant or probation or parole violation.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This rule incorporates one or more references to another rule or rules of the Ohio Administrative Code (OAC). This question is not applicable to any incorporation by reference to another OAC rule because such reference is exempt from

compliance with RC 121.71 to 121.74 pursuant to RC 121.76(A)(3).

This rule incorporates one or more dated references to a federal act or acts. This question is not applicable to any dated incorporation by reference to a federal act because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(C).

This rule incorporates one or more dated references to the United States Code (USC). This question is not applicable to any dated incorporation by reference to the USC because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(A).

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Not Applicable

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

Not Applicable.

12. Five Year Review (FYR) Date: **8/1/2020**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0.00

Not Applicable

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not Applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

No new costs.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **No**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **No**

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **No**

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**