

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5101:4-4-19

**Rule Type:** Amendment

**Rule Title/Tagline:** Food assistance: countable income.

**Agency Name:** Department of Job and Family Services

**Division:** Division of Food Stamps

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#### I. Rule Summary

1. **Is this a five year rule review?** Yes
  - A. **What is the rule's five year review date?** 1/15/2021
2. **Is this rule the result of recent legislation?** Yes
  - A. **If so, what is the bill number, General Assembly and Sponsor?** SB 310 - 133  
- Matt Dolan
3. **What statute is this rule being promulgated under?** 111.15
4. **What statute(s) grant rule writing authority?** 5101.54
5. **What statute(s) does the rule implement or amplify?** 329.04, 329.042, 5101.54, 5101.884
6. **What are the reasons for proposing the rule?**

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. Section 5101.884 of Amended Substitute Senate Bill 310 of the 133rd General Assembly who authorized the creation of the Kinship Support program (KSP), which will provide financial payments to kinship caregivers who receive placement

of a child by a public children services agency (PCSA) and do not have a foster home certification.

**7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule describes countable income for the Supplemental Nutrition Assistance Program (SNAP).

Changes to the rule include:

Paragraph (B)(2)(d) was amended to include guardianship payments and kinship support payments as types of excluded income for self-employment;

Paragraph (3)(b) was removed due to being duplicative;

Paragraph (3)(c) was removed due to language being added to rule 5101:4-4-13 of the Administrative Code;

Paragraph (C)(1)(a) was removed due to the repeal of the Disability Financial Assistance (DFA) program;

Language was moved from paragraph (C)(2) to new paragraph (C)(3);

Paragraph (C)(3) was added to include guardianship payments and kinship support payments to be countable unearned income when the individuals are considered members of the assistance group;

Paragraph (C)(5) was amended to include interest as a type of unearned income;

Paragraph (C)(10) was added to include termination and severance pay as a type of unearned income when payment received is intended to cover a period of time;

The term "food assistance" was replaced with "supplemental nutrition assistance program (SNAP)"; and

Minor grammatical changes for clarity.

**8. Does the rule incorporate material by reference? Yes**

**9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule incorporates one or more references to another rule or rules of the Ohio Administrative Code. 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 121.75(A)(1)(d).

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(A)(2)(c).

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

*Not Applicable*

## **II. Fiscal Analysis**

11. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0.00

This rule has no expected fiscal impact on current or future budgets.

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

No new costs.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

15. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable.

## **III. Common Sense Initiative (CSI) Questions**

16. **Was this rule filed with the Common Sense Initiative Office? No**

17. **Does this rule have an adverse impact on business? No**

- 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
- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

**IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))**

- 18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No
  - A. How many new regulatory restrictions do you propose adding?  
Not Applicable
  - B. How many existing regulatory restrictions do you propose removing?  
Not Applicable