
FOOD AND NUTRITION SERVICES CERTIFICATION
ELIGIBILITY REQUIREMENTS
FNS 212 HOUSEHOLD COMPOSITION SPECIAL ARRANGEMENTS

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Change #6-2021

July 12, 2021

212.01 HEAD OF THE FNS UNIT

- A. The FNS unit must designate an individual to be the head of the FNS unit. The person chosen as the head of the FNS unit must:
1. Have primary responsibility for the health and well-being of the FNS unit members; **and/or**
 2. Have responsibility for the financial obligations of the FNS unit; **and/or**
 3. Be otherwise exercising control over the FNS unit
- B. **Change of Head of Household:**
1. The designation as head of the FNS unit may be changed at application, recertification, or removal of the current head of the FNS unit.
 2. Keep in mind that the household's EBT card will be issued to the head of household.
 3. The individual who will purchase groceries and handle daily business transactions would be an appropriate head of household.
- C. **Do not** use the head of the FNS unit designation to impose special requirements, such as requiring the head of the FNS unit to make application, **recertification, or request changes. Unless otherwise stated in policy, all adult household members may complete application, recertification, or request changes.**

212.02 SPECIFIED PERSON

An individual meeting one of the following criteria is considered a specified person:

- A. **An individual 60 years of age or older; or**
- B. A person who receives supplemental security income benefits under Title XVI of the Social Security Act or disability or blindness payments under Titles I, II, X, XIV, or XVI of the Social Security Act; **or**
- C. A person who receives federally or State administered supplemental benefits under Section 1616(a) of the Social Security Act provided that the eligibility to receive the benefits is based upon the disability or blindness criteria used under Title XVI of the Social Security Act; **or**

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- D. Receives disability benefits from a governmental agency based on permanent Social Security disability requirements; **or**
- E. Is a Veteran who receives 100% Veterans Administration (VA) disability payments (service or non-service connected) or is rated as 100% disabled but receives less than 100% disability payment; **or**
- F. Is a Veteran considered by the VA to be in need of regular aid and attendance or permanently housebound under Title 38 of the U. S. Code; **or**
- G. Is a disabled surviving spouse or disabled surviving child of a veteran and in need of regular aid and attendance or permanently housebound or considered by the VA to be entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death under Title 38 of the U. S. Code; **or**
- H. Receiving Railroad Retirement and determined to be eligible for Medicare; **or**
- I. Receiving Interim Assistance Payments (DSS General Assistance to applicants for SSI that is repaid by SSA upon approval of the SSI application); **or**
- J. Receiving Medicaid based on disability; **or**
- K. Benefits under the Federal Employees Compensation Act (FECA) based on Social Security disability requirements.

212.03 INDIVIDUALS RESIDING IN A SPECIAL ARRANGEMENT

A. Institutionalized

Individuals are considered residents of an institution when the institution provides them with the majority of their meals (over 50% of three meals daily) as part of the institution's normal services. **Students of higher education that are required to purchase meal plans as part of normal school policy are not considered institutionalized.** Institutionalized individuals are not eligible to participate except as specified in B - F below.

B. Group Home/Group Living Arrangement (GLA)

A GLA is a public or private non-profit residential setting that serves no more than 16 residents. A GLA resident must be blind or disabled or receiving benefits under Title II or Title XVI of the Social Security Act to be eligible for FNS benefits.

1. The GLA must meet the following conditions prior to certifying any of its residents for FNS benefits:

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- a. Be authorized by USDA to accept Food and Nutrition Services benefits; **or**
 - b. Be certified by the State as a GLA; **and**
 - c. The GLA must be determined to be a non-profit organization.
2. Residents can apply through the facility which will serve as an authorized representative. Eligibility must be determined as a one-person FNS unit; **or**
 3. The resident may apply on his own behalf or select an authorized representative of his own choice. This will be determined by the GLA, based on the individual's mental and physical ability to handle his/her own affairs. The FNS unit size will be based on the number of individuals purchasing and preparing meals together.
 4. The GLA may only purchase food for eligible Food and Nutrition Services recipients if the Food and Nutrition Services recipient makes someone at the GLA his/her Authorized Representative. Refer to Section 220, Authorized Representatives.
- C. Residents of a Shelter for Battered Women and Children**

Battered Women and Children's Shelter is a public or private non-profit residential facility that serves battered women and their children. If such a facility services other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered women and children.

Residents of shelters may be considered as either an individual FNS unit (including their children) or a group FNS unit. To make this determination, you will need to know whether food is customarily purchased and prepared separately or in common with the group. These provisions apply to battered women and children but do not apply to battered men. These special provisions concern Food and Nutrition Services eligibility for residents of shelters for battered women and children that provide meals to their residents.

1. Prior to certifying residents of battered women's shelter:
 - a. Verify that the shelter meets the definition of a shelter for battered women and children. Shelters authorized by USDA to accept EBT benefits meet the definition of a battered women's shelter.
 - b. Shelter residents may appoint an authorized representative though it is not required. See Section 220, Authorized Representatives, for more details.

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2. When the resident of the battered women's shelter is in a currently certified FNS unit:
 - a. Shelter residents may apply for and receive Food and Nutrition Services benefits separately from the household they are currently certified in. This can only be done if they are a member of a certified household that contains the person who subjected them to the abuse.
 - b. Shelter residents who are included in a currently certified FNS unit may receive an additional allotment as a separate FNS unit only once a month.
 - c. Certify shelter residents based on their income, resources, and allowable expenses. Do not consider the former household's income, resources, or other expenses against the shelter individual(s).
 - d. Take prompt action to ensure that the shelter residents are removed from their former FNS unit.

D. Certain Residents of Federally Subsidized Housing

Residents of federally subsidized housing for the elderly built under Section 202 of the Housing Act of 1959 are residents of institutions. These individuals are allowed to participate in the Food and Nutrition Services Program.

E. Residents of an Alcohol and Drug Treatment Center

1. For Food and Nutrition Services purposes, Alcohol and Drug Treatment Centers (ADTC) are non-profit institutions providing treatment that can lead to the rehabilitation of the residents, this includes faith-based and community Drug Addiction and Alcoholic Treatment and Rehabilitation Programs.
2. Narcotic addicts or alcoholics who regularly participate in drug or alcoholic treatment and/or rehabilitation program(s) on a resident basis, and their children who live with them, may participate in the Food and Nutrition Services Program providing all points of eligibility are met.
 - a. Center residents must apply through an authorized representative named by the treatment center.
 - b. Certify residents as a one-person FNS unit unless their child(ren) resides with them.
 - c. At each application and recertification verify approved drug treatment programs through:

Chief, Drug and Rehabilitation Branch
Division of Mental Health/DD/SAS

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Department of Health and Human Services
3007 Mail Service Center
Raleigh, North Carolina 27699-3007
(919) 855-3795

3. Responsibilities of the ADTC when participating in the Food and Nutrition Services Program.

- a. The facility must be an approved treatment center. Verify approved alcohol treatment center programs through the Division of Mental Health. A listing of the licensed treatment centers, by county can be found on DHSR website, <https://info.ncdhhs.gov/dhsr/>.

If an ADTC is not licensed by the Division of Mental Health and cannot provide documentation that it meets the Food and Nutrition Services criteria for an ADTC, provide the ADTC with contact information to the Division of Mental Health.

- b. Provide the local agency a list of clients that are currently residing and participating in the ADTC/DAA treatment center (on or around the 5th and 20th of each month).
- c. Providing the list of clients to the local agency with a signature and date from a reliable center official indicating the validity of the list
- d. Verifying that the list provided to the local agency is accurate during site visit (on or around the 10th and 25th of each month) by the center's official/authorized representative. There is no requirement to physically see the residents for verification.
- e. The treatment center must report changes in the FNS unit's situation, such as income, resources, and circumstances of individuals in the assistance unit. Refer to Sections 450 and 550 for reportable changes.
- f. When the FNS unit leaves the treatment center, the ADTC is responsible for notifying the county of the change.
- i. Once a client leaves the ADTC, the facility must provide the client with their EBT, ID card and if possible, the DSS- 8550 Change Report form to turn in to the agency within 10 days.
- ii. If the whereabouts of the client are known, update the address and living arrangement in NC FAST. Request an EBT card be issued to the head of household.
- ii. If the ADTC does not know the whereabouts of the individual, update living arrangement in NC FAST. **DO NOT** issue an EBT card until the whereabouts of the client are known. EBT cards must

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be turned in to the agencies by the end of the month if the client's whereabouts are unknown by the facility.

- iii. If a client leaves the facility prior to the 16th of the month and benefits have not been issued on EBT card, the facility must give the client one-half of the monthly allotment unless issued semimonthly.
- iv. If a client leaves after the 16th of month, the facility may be required to give the client a portion of its allotment. If the facility has a combined EBT account, the county may, but is not required to, transfer a portion back to the client's allotment from the facility's EBT account. The household must be allowed to receive any remaining benefits from the time the client leaves the facility.

NOTE: The ADTC is responsible for any misrepresentative, overissuance, or Intentional Program Violation.

- 4. Responsibilities of the County Department of Social Services.
 - a. Ensuring every ADTC/DAA treatment center has the DSS-1688 Designation of Authorized Representative form on file, including the name of the authorized representative and ADTC/DAA treatment center
 - b. Designating a point of contact for the ADTC/DAA treatment center to provide a list of the clients that are residing in the treatment center (on the 5th and 20th of each month)
 - c. Conducting a site visit with the center official/authorized representative at the ADTC/DAA treatment center (on the 10th and 25th of each month) to verify the list provided by the treatment center is accurate
 - d. Take action on any discrepancies found by the site visit prior to the next benefit issuance date

F. Residents of Public or Private Nonprofit Shelters for Homeless Persons

Residents of public or private nonprofit shelters for homeless persons are allowed to use their Food and Nutrition Services benefits to purchase prepared meals from USDA approved homeless meal providers.

Individuals who are residents of public or private nonprofit shelters for the homeless are the exception to the requirement that states residents of institutions that provide individuals with the majority of their meals (over 50%) of three meals daily are not eligible for Food and Nutrition Services benefits.

A homeless shelter, however, cannot be the authorized representative for the homeless individual. Even though a shelter provides meals, it does not mean

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that the individual that stays in the shelter is there to partake of the meal provided. The individual is still homeless and may still wander during the day and stay at the shelter at night. The individuals in a homeless shelter can participate in the program and must be treated as separate households from the others with whom they reside, subject to mandatory household combination as required by law (i.e., homeless spouse in the same shelter cannot be a separate household).

212.03 HOUSEHOLDS WITH SPECIAL CIRCUMSTANCES

A. Temporary Absence

There is no provision for temporary absence in the Food and Nutrition Services Program. At application and recertification exclude an individual who is residing away from the FNS unit on a temporary basis. Refer to Manual Sections 450 and 550 to determine appropriate reporting requirements.

B. Absent Wage Earners

An absent wage earner is an individual who is often away from his/her residence because of the distance to work. Include an absent wage earner in the FNS unit. To exclude the absent wage earner, the FNS unit is responsible for establishing that the wage earner is not an FNS unit member. If the absent wage earner maintains a separate residence from the FNS unit, consider whether the individual is separate from the FNS unit. Evaluate each case on its own merit using the best available information.

Some examples of absent wage earners may include, but are not limited to, individuals who drive trucks, fish commercially, and those who are traveling salespeople.

C. Military Personnel

Military personnel are often stationed away from their households with little advance warning. Individuals "left behind" for undetermined periods of time that are 30 days or more in length may apply for Food and Nutrition Services benefits. This applies to both temporary duty (TDY) and permanent change of station (PCS). Determine eligibility based on the situation of the remaining FNS unit members. Consider any gain or benefit that is not in the form of money as in-kind and exclude it as income. Count any contribution made by the member to the FNS unit as unearned income. If a military allotment is being sent to the FNS unit, count as unearned income to the FNS unit. If the FNS unit shares a joint bank account with the absent military personnel and their pay is directly deposited into this account, count the money as unearned income to the FNS unit. Upon return of the military member to the FNS unit, count all income and resources at the time the change occurred. See Section

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250, Resources, and 4070 in the Integrated Eligibility Manual, Income, for resources and income procedures.

D. Migrants

Migrant farm laborers travel either in state or out-of-state often following a particular crop. Because these households have no fixed place to reside during the work season, residency can be difficult to determine. Verifications may be obtained through the crew leader, the local farmer, or the following organizations.

1. Employment Service
2. Farm Labor Bureau
3. Rural Manpower Development
4. Farmer's Cooperative Service
5. The Grower's Organization
6. Migrant Service Organization
7. The County Agriculture Extension Services Agency

E. Strikers

A striker is anyone involved in a strike. Persons on strike are not considered to have quit their jobs. FNS unit's containing a striker(s) are **ineligible** unless the striker(s) is exempt from work registration (See FNS 240 Work Registration) or was eligible prior to the strike.

F. Joint Custody

A joint custody agreement is not required to be a court document, it can be a verbal agreement between the parents. The child must be included in the FNS household that they physically live with the majority of the time, regardless of the terms of a custody agreement.

1. 50/50 Custody:

In cases of joint custody where a child lives exactly the same amount of time with each parent, the household that applies for FNS benefits first may include the child in their FNS unit.

2. Other Custody:

The parent that the child lives with for 51% or more of their time is the only parent that may include the child in their FNS case. The other parent may not include the child in their FNS case unless custody changes.

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G. Students

If a student attends college and returns home often, the residence is determined by where the student states that he/she eats the majority of his/her meals. This only applies to students who are eligible to receive Food and Nutrition Services benefits based on the eligibility requirements in FNS 235 Student of Higher Education.

H. House Arrest

A person placed under house arrest by the court is to be included in the FNS unit unless their conviction is a drug-related felony. The individual must still meet all Food and Nutrition Services eligibility requirements, such as Work Registration, Resources, etc.

I. Refusal to Cooperate with Quality Control Review

A household is ineligible to participate in the Food and Nutrition Services if it refuses to cooperate with State and/or USDA staff who conduct Quality Control (QC) Reviews. Cooperation includes, but is not limited to, being available for a personal interview and providing requested information. Terminate Food and Nutrition Services benefits if a State or Federal QC Reviewer informs the agency of a household's refusal to cooperate. If a household is terminated for refusal to cooperate with a QC Reviewer, the household can reapply at any time but cannot be determined eligible until it cooperates or the disqualification time period ends. The QC Referral will indicate the maximum disqualification for refusal to cooperate. Do not terminate Food and Nutrition Services benefits based on a FNS unit's refusal to cooperate with QC in another state.