



LEGAL HOTLINE FOR TEXANS

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FOOD STAMPS

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The Legal Hotline for Texans (LHT) is a telephone hotline providing free legal advice and consultation and other free legal services to Texans Age 60 and Older or Eligible for Medicare; Crime Victims Age 60 and Older and their Family Members and Authorized Claimants; and Pension and Retirement Plan Employees, Participants and Beneficiaries.

Eligible Clients can consult with an attorney of the Legal Hotline for Texans free of charge by calling one of the phone numbers listed above. If clients would like to consult with an attorney in their communities, or if ongoing representation by an attorney is needed, the Legal Hotline for Texans may be able to make a referral.

Depending on individual circumstances and local availability, such a referral may be to an organization providing free attorneys to low income persons, or may be to an attorney on the Legal Hotline for Texans' reduced-fee panel, or may be to a statewide or local lawyer referral service.

The Legal Hotline for Texans is a project of the Texas Legal Services Center with support from the Texas Department of Aging and Disability Services (DADS), the U.S. Centers for Medicare and Medicaid Services (CMS), the U.S. Administration on Aging (AoA), and the Texas Equal Access to Justice Foundation through the Texas Basic Civil Legal Services Program (BCLS) and the Texas Crime Victims Civil Legal Services Program (CVCLS).

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FOOD STAMPS

The food stamp program is a federal benefit program that provides food assistance to generally anybody with low income and limited resources, regardless of age, health status, family composition, or state residence. Food stamp benefits can be spent on a broad range of groceries available in grocery stores and supermarkets.

The Texas Department of Human Services (DHS) administers the Texas food stamp program through local DHS food stamp offices.

LAWS, REGULATIONS, POLICY

The federal and Texas food stamp laws, regulations, program policy memos and handbooks are cited in APPENDIX 1.

Key sources of food stamp benefits counseling rules include the following:

- 1) Texas Administrative Code, Title 1– Administration, Part 15 – Texas Health and Human Services Commission, Chapter 372 – Texas Works ([1 TAC § 372](#)):
- 2) Texas Administrative Code, Title 40– Social Services and Assistance, Part 1 – Texas Department of Human Services, Chapter 79 ([40 TAC 79.101 et seq.](#)):
- 3) Texas Department of Human Services Texas Works Handbook: <http://www.dhs.state.tx.us/handbooks/TexasWorks/>
- 4) Texas Department of Human Services Fair Hearing, Fraud, and Civil Rights Handbook: <http://www.dhs.state.tx.us/handbooks/fhfcf/>

HOUSEHOLD CONCEPT

Under the food stamp program, an applicant for food stamp benefits must **apply as a “household.”** A household is either (1) an adult person living alone who purchases and prepares meals by herself or himself or (2) a group of two or more people living together, at least one of which is an adult, related or unrelated, who purchase and prepare meals together. Each household has an adult head of the household who applies for benefits for the household. More than one household can live together in one dwelling and share space. Parents and minor children who live together, and spouses who live together, cannot be separate households or get food stamps separately. Households are either with or without an elderly or disabled member. **Elderly** means age 60 or older. **Disabled** means a person receives one of the following public benefits:

- 1) Supplemental security income (SSI),
- 2) Social security disability or blindness checks,
- 3) A state SSI supplement,
- 4) Certain public disability retirement pension payments,
- 5) Railroad retirement disability payments,

- 6) Veterans' disability benefits for service-connected or non-service-connected disabilities rated or paid as total,
- 7) Veterans' disability benefits or disability benefits for the spouse of a Veteran if the Veterans Administration says that the Veteran or the spouse is permanently housebound or that he or she needs regular aid and attendance,
- 8) Veterans' benefits for surviving children of veterans whom the VA says can never support themselves, or
- 9) Veterans' pensions for surviving spouses and children of veterans if the spouse or child has a disability that the Social Security Administration says can never get better.

Finally, households are “**categorically eligible**” if everybody in the household is receiving Temporary Aid for Needy Families (TANF) or SSI. Categorically eligible households authorized to receive **TANF-NC (Non-Cash)** must meet special eligibility requirements as explained below.

ELIGIBILITY

Generally, if household countable income and resources are less than the food stamp program income and resource limits, then the household is eligible for food stamp benefits. The maximum food stamp allotment amounts are contained in APPENDIX 2.

Exceptions to the general eligibility rule are as follows:

- (1) Childless adults, unemployed, able-bodied, between the ages of 18 and 50, who, within the past 36-month period, received three months of food stamp benefits during which time they were unemployed, except in certain exempt geographical areas.
- (2) Persons disqualified from the program for an intentional rule violation.
- (3) Recipients whose benefits were terminated when they quit a job without good reason or did not comply with food stamp work requirements.
- (4) Persons who are enrolled at least half-time in a college unless they work 20 hours per week, or receive federal work-study money, or are under age 18, or are over age 50, or are physically or mentally unfit, or are receiving cash assistance (TANF), or are taking care of a small child.
- (5) Persons who live in a hospital, jail, or in certain institutions that serve meals.
- (6) Persons on strike, except in the cases of lockouts, permanent replacement, or pre-strike food stamp eligibility.
- (7) Persons with felony drug convictions on or after August 22, 1996 in some states.
- (8) Undocumented immigrants and certain legal immigrants.

The following **legal immigrants can receive food stamps**:

- (1) Children under 18 years of age who were in the U.S. as of August 22, 1996.
- (2) Persons who were age 65 or older and in the U.S. as of August 22, 1996.
- (3) Persons with disabilities who were in the U.S. as of August 22, 1996.
- (4) Refugees in their first seven years in the U.S.
- (5) Members of the Hmong or Laotian tribes who fought with the U.S. in the Viet Nam conflict, or their spouses or children.
- (6) Persons who have worked at least 40 quarters in the U.S. and their dependents.

- (7) Members of the U.S. military, U.S. military veterans, and spouses and children of such members or veterans.

INCOME*

There are two main countable income tests for food stamp eligibility: **the gross monthly income test**, which is 130% of the Federal Poverty Income Level (FPIL), and the **net monthly income test**, which is 100% FPIL. Gross monthly income minus expenses allowed by the food stamp program is equal to net monthly income. Households with no elderly or disabled members must meet both the gross monthly income test and the net monthly income test to qualify for food stamp benefits. Households with an elderly or disabled member only need meet the net monthly income test to receive benefits. In addition, households authorized to receive **TANF-NC must also have gross income less than or equal to 165% FPIL** for its size in order to be categorically eligible for food stamps.

The current income limits are contained in APPENDIX 2.

The following types of income are **not counted as income** for food stamp purposes:

- 1) Anything a person receives that is not in the form of money including free food or clothing, subsidized housing, school breakfasts and lunches, and WIC benefits.
- 2) Most vendor payments (example: rent payments to landlord by public housing authority).
- 3) Money earned by a child under age 18 who is a student at least halftime.
- 4) Irregular payments if they don't total more than \$30.00 in three months.
- 5) Money received from private charities, if it totals less than \$300.00 in three months.
- 6) All loans, except student loans that don't have to be paid back until the borrower finishes school.
- 7) Student loans received under Title IV of the Higher Education Act.
- 8) Payments or reimbursements for past or future work or business expenses.
- 9) Money received and used to take care of or support someone not in your household.
- 10) Irregular lump-sum payments including tax refunds, earned income tax credit, etc.
- 11) Self-employment work or business expense.
- 12) Certain government payments to assist in payment of utility bills.
- 13) Money received under certain other federal programs.

The **expenses households may deduct** from gross monthly income are as follows:

- 1) A standard deduction of a fixed amount, currently \$134.00 (see APPENDIX 2).
- 2) An earned income deduction of 20% of all income earned as an employee or as self-employed.
- 3) Child care costs or the costs of care of a household member who needs care, up to \$200.00 for children under the age of two and \$175.00 for all other dependents who need care.
- 4) Legally owed child support payments to a non-household member.
- 5) Medical expenses for monthly medical expenses over \$35.00 for households with at least one elderly or disabled member.
- 6) Housing cost deduction. Housing costs that are more than half the income remaining after all deductions for which the household is qualified have been subtracted from gross monthly

* **DHS Texas Works Handbook Part-C Section 120 – Food Stamps**
<http://www.dhs.state.tx.us/handbooks/TexasWorks/PartC/C100/tw-c120.asp#121>.

income are called excess shelter costs. Households may deduct excess shelter costs, however, the deduction for households without an elderly or disabled person is capped at \$378.00.

RESOURCES

Households other than categorically eligible households are not eligible for benefits if the total value of accessible resources is over \$3,000 in households with a member who is aged or disabled and \$2,000 for all other households.

A list of **excluded resources** for households other than categorically eligible households is as follows:

- 1) The house and the land it sits on.
- 2) Personal belongings and household goods.
- 3) Burial plots.
- 4) Cash or face value of life insurance policies and pension funds.
- 5) Tools, equipment, livestock, buildings, and other things used to earn income.
- 6) Non-accessible money, such as money in a trust fund.
- 7) Resources of a household member who receives TANF or SSI.
- 8) Real or personal property which can not be sold for a “significant return” because it is jointly owned, etc.

Cars are generally counted as a resource, but the first \$4,650 of the Fair Market Value (FMV) of the vehicle is exempt. Cars, trucks, vans, and other vehicles won't be counted if the food stamp recipient lives in the vehicle, uses it to make a living, uses it to travel long distances to work, or uses it to transport a physically disabled member of the household.

DHS excludes **resources of categorically eligible households** using the following criteria:

- 1) the household must have \$5,000 or less in countable liquid resources combined with excess vehicle value.
- 2) exempt up to \$15,000 of the FMV for the highest valued countable vehicle. Count the excess over \$15,000 FMV toward the combined resource limit.
- 3) exempt up to \$4,650 FMV for all other countable vehicles. Count the excess over \$4,650 FMV toward the combined resource limit.

As mentioned above, households authorized to receive **TANF-NC must also have gross income less than or equal to 165% FPIL** for its size in order to be categorically eligible for food stamps. Once the household meets both the initial resource and income test, their remaining resources are exempt and they are exempt from the gross/net income limits.

There is a **transfer of resources penalty** for transfers made within the three months prior to the application for benefits. The maximum penalty is loss of food stamp benefits for a period of 12 months.

WORK REQUIREMENTS

All food stamp applicants must register for work unless they are exempt. The following applicants, including Texans age 60 and older and Medicare beneficiaries, are **exempt from work requirements**:

- 1) Applicants under age 16.
- 2) Applicants age 16 or 17 who are not the head of the household.
- 3) Applicants age 16 or 17 who are attending school or an employment training program at least half time.
- 4) Applicants at least age 60.
- 5) Applicants who have a physical or mental problem that make the applicant “unfit” to work.
- 6) Applicants who are already working 30 hours per week.
- 7) Applicants who earn gross income of at least \$154.50 per week at a job.
- 8) Migrant or seasonal farm workers under contract to begin work within the next 30 days.
- 9) Applicants who must take care of a child under age six.
- 10) Applicants who must care for a child six or older or an adult who needs help taking care of herself or himself.
- 11) Applicants signed up for and complying with a CWEP, or other TANF work program.
- 12) Applicants regularly attending drug addiction or alcohol treatment programs.
- 13) Applicants receiving unemployment compensation.
- 14) Applicants who registered for work to receive unemployment benefits.
- 15) Students enrolled at least half time in any school, training program, or college, and otherwise qualified for food stamps.
- 16) Applicants who applied for food stamps at the Social Security office at the same time they applied for SSI benefits and the Social Security Administration has not made a determination on eligibility.

Registering for work means signing up to be told about any job openings. When an applicant for food stamps registers for work, the food stamp office must explain the applicant’s rights and responsibilities and what action it will take against the applicant if the applicant does not comply with the work requirements. The food stamp office also must provide the applicant a written notice explaining the work requirements to each member of the household who must register for work. Many food stamp recipients also must comply with employment and training program requirements.

THREE MONTH CUT OFF RULE

Persons between the ages of 18 and 50, who have no children, and are not disabled, may only be able to get three months of food stamp benefits in every three years. This is called the “three-month cut off” rule. This limit does not apply to the following people:

- 1) Under age 18 and over age 50.
- 2) Mentally or physically unfit for work.
- 3) Pregnant.
- 4) Working 20 hours per week or participating in a job training program 20 hours per week.
- 5) Participating in a workfare program for the required number of hours (food stamp benefit divided by the minimum wage).
- 6) Responsible for care of a dependent child.

- 7) Exempt from requirement to register for work.
- 8) Residing in a waived geographic area.
- 9) Fits in a category of people the state has chosen to exempt.

Persons who receive three months of benefits, who are not working and who are not exempt from the three month cut off rule, can gain an extra three month period of benefits by getting a job but later losing that job. The extra three months of benefits may only be obtained only one time in three years and the three months must be consecutive. People subject to the three month cut off rule can **regain eligibility by working** 80 hours in a 30-day period or by complying with a workfare program for 30 days.

SPECIAL ELIGIBILITY RULES FOR ELDERLY AND DISABLED

Special eligibility rules that apply to households with at least one elderly or disabled member are as follows:

- 1) Such households are not subject to the gross monthly income test.
- 2) Deductions are allowed for medical expenses over \$35.00.
- 3) The food stamp office cannot require monthly reporting under certain conditions.
- 4) The food stamp office cannot “retrospectively budget” or count income backwards when determining benefits under certain conditions.
- 5) The excluded resource amount is higher for households with an elderly or disabled member.
- 6) Household members who are at least 60 years of age or have a physical or mental problem that makes them “unfit” to work are exempt from the requirement to register for work.
- 7) The food stamp office will not count a vehicle or property needed to maintain a vehicle that a physically disabled person uses to get around.

APPLICATION PROCEDURES

Persons wanting to apply for food stamps should contact the local DHS food stamp office. If everyone in the household is applying for or getting SSI, the Social Security Administration office must help the household member(s) apply for SSI and food stamps together.

The **basic steps for applying** for food stamp benefits are as follows:

- 1) Fill out an application and facilitate the verification process.
- 2) Sign a statement on the food stamp application about every person in the household who is applying for food stamps that says the person is a U.S. Citizen or states the person’s Immigration and Naturalization Service status.
- 3) Provide the food stamp office with the person’s social security number or apply for a social security number.
- 4) Register to work unless exempt.

Expedited service is provided in the following situations:

- 1) The applicant has \$100.00 or less in liquid resources and less than \$150.00 in gross monthly income.
- 2) The applicant's shelter costs are greater than gross income plus liquid resources.
- 3) Migrant or seasonal farm workers with \$100.00 or less in liquid resources, where all the farmer's income for the month preceding application for food stamps came from a job that is not still paying, and where not more than \$25.00 is expected from any new source of income for at least the next ten days.

DHS requires applicants to undergo **fingerprint-imaging procedures**. DHS exempts applicants who are age 60 or older or are disabled and who claim an undue burden. An undue burden is any physical, mental, emotional, or age related condition that creates a barrier to being imaged. Exception: Clients who claim an undue burden but have a current intentional program violation are not eligible for the exemption.

DHS has a "**banned client list**" for clients who are banned from the food stamp office due to certain alleged inappropriate behavior.

If the household qualifies for food stamps the food stamp office must provide the food stamps within 30 calendar days from the date of application. In emergency situations the food stamp office must provide expedited service, in which case food stamps must be provided within seven calendar days of the date of application.

RECEIVING BENEFITS

Once the food stamp office determines a household is eligible for benefits, it will "certify" the household for a certain period of time called a certification period. **Certification periods** usually range from one month to one year. In some states, including Texas, if all members of the household are elderly or disabled, the household may be certified for up to two years.

When the certification period ends the household must reapply for food stamp benefits. The food stamp office must provide the recipients a notice giving the recipient a chance to reapply before the food stamps are cut off. If reapplication is made before the 15th day of the last month of certification then the food stamp office cannot break the payment of benefits. The food stamp office generally cannot require application for recertification until the last two months of the certification period. Reapplication generally involves an interview and verification with the food stamp office.

Elderly and disabled people applying for or receiving SSI may reapply for food stamps at a Social Security office.

Certain household changes including **changes in income or resources must be reported** to the food stamp office within ten days of the change by food stamp recipients who are not required to report monthly to the food stamp office. Some recipients are required to fill out "monthly reporting" forms and report to the food stamp office. The food stamp office determines who has to engage in monthly reporting.

Texas food stamp recipients receive their benefits through an electronic benefits transfer system. Beneficiaries are issued a “**Lone Star Card**” by DHS.

NOTICES

If the DHS food stamp office denies an application for food stamps it must send the applicant a notice that explains the reason for the denial, provides the phone number of the food stamp office, and notifies the applicant of the right to a fair hearing and how to get free legal aid.

The food stamp office must also send a written notice at least ten days before it terminates or reduces food stamps. The ten-day period begins when the notice is mailed. The notice must state what the food stamp office is going to do, why, and when it will happen. The notice must also provide a telephone number to call for more information and the name of the free legal services office in the county. The notice must provide information about the recipient’s right to a fair hearing and about the right to maintain the food stamp benefits while waiting for the fair hearing by requesting a fair hearing within 10 days of the date of the notice.

FAIR HEARINGS AND APPEALS

If the food stamp office is taking action which the recipient doesn’t agree with then a fair hearing should be requested in person, by telephone, or in writing. The appellant has a right to file an appeal within 90 days from the effective date of the decision or from the notice of adverse action date, whichever is later. If a hearing is requested within ten days of the date of the notice then the status quo will be maintained on food stamp benefits while waiting for the hearing. In food stamp cases, a client may appeal his current level of benefits at any time during a certification period. A food stamp client may also appeal the denial of a request to restore benefits that were lost within one year before the request.

A fair hearing is a meeting with employees of the DHS food stamp office. Fair hearings are run by a fair and impartial administrative hearing official employed by DHS but not from the local food stamp office.

Appellants have very important rights at a fair hearing. Generally, an appellant should be represented by an advocate or attorney at the fair hearing.

The food stamp office must notify the appellant at least ten days in advance of the time and place of the hearing. The food stamp office must hold a hearing and issue a written decision no later than 60 days after the hearing was requested.

The decision of the hearing officer is subject to **administrative review** in Texas. If a written request for review is sent to the DHS regional attorney and postmarked within 30 days of the date of the fair hearing decision then the regional attorney will review the decision.

The DHS fair hearings and administrative review procedures are found in 40 Texas Administrative Code Chapter 79, [Subchapter L](#) – Fair Hearings [Subchapter M](#) – Appeals Process, [Subchapter N](#) – Hearing, and the Texas Department of Human Services Fair Hearing, Fraud, and Civil Rights Handbook [section 1000](#) – Fair Hearings.

There is **no judicial review in Texas** of fair hearing decisions in food stamp cases. Instead, one must bring a civil rights case in federal district court under [42 U.S.C. § 1983](#) within two years of the date of the alleged violation of civil rights.

OVERISSUANCE AND FRAUD

An overissuance occurs when a household gets more food stamps than it should. There are three types of overissuances: intentional program violations, inadvertent household error, and agency error.

To recover overissuances caused by the food stamp office or by inadvertent household error, the food stamp office can reduce monthly benefits by up to 10%. The food stamp office must send a demand letter prior to reducing benefits to recover alleged overpayments. The demand letter must contain notice of the right to a fair hearing on the reduction or overissuance of food stamp benefits. If the household receives less than \$100.00 per month in food stamps, the food stamps will not be reduced by more than \$10.00.

DHS determines the method and schedule for payment of an overissuance, subject to federal guidelines for collection of overissuances.

If the food stamp office believes an intentional program violation occurred it may request a fraud disqualification hearing under [40 Texas Administrative Code Chapter 79, Subchapter T](#) – Administrative Fraud Disqualification Hearings. DHS gives individuals who are alleged to have committed an intentional program violation an opportunity to waive their right to an administrative disqualification hearing. This is a different process than waiving attendance at the hearing. By waiving this right, individuals acknowledge that they understand their rights and responsibilities in the settlement process, that disqualification from receiving benefits will occur, and they agree to repay the overissuance without having a hearing. If DHS requests that a recipient sign a waiver, answer questions related to fraud allegations, or go to a fraud disqualification, a lawyer should be consulted immediately.

Fraud Disqualification Hearings are similar to a fair hearing except that the food stamp office requests the hearing and the accused person may remain silent. Administrative fraud disqualification hearings and fair hearings may be consolidated. The food stamp office must provide notice of the time and place of the fraud hearing at least 30 days in advance of the hearing. If a recipient loses at the fraud hearing then they will stop receiving food stamps and will have to pay back the food stamps obtained by fraud. They will also be disqualified from the food stamp program for a year the first time they are found guilty of fraud, two years the second time, and permanently the third time.

The decision of the hearing officer in the Administrative Disqualification Hearing is final. The household member may not have this decision reversed by a subsequent Administrative Disqualification Hearing. Although the hearing officer's decision regarding the intentional program violation is final, the appellant may appeal the investigator's computation of the amount of overpayment.

In addition to disqualification from the food stamp programs, the accused person may be sued in civil court or prosecuted in criminal court. Administrative decisions to investigate a recipient's case for fraud and to refer such a case to local law enforcement officials are not subject to appeal.

SIMPLIFIED NUTRITION ASSISTANCE PROGRAM (SNAP)

SNAP is a food stamp program for SSI recipients age 65 or older who are not currently receiving food stamps. SNAP is a Texas-specific program (although there are certain similar programs in some other states). The Texas food stamp program receives, on a monthly basis, a computer tape from the Social Security Administration with data showing who is in Texas, age 65 or older, and receiving SSI. The food stamp program checks those names against the names of persons in Texas who are already food stamp recipients. If a name shows up on the SSI tape, but not on the food stamp recipient list, that person will receive information from the Texas food stamp program about SNAP. The SNAP application is one page; it focuses on shelter expenses (for the reason set forth below), and it is returnable, and approvable, all by mail. SNAP cases are "certified" without the need for an office visit. SNAP benefits are delivered by means of the Lone Star Card. Persons certified for SNAP can be certified for up to three years before needing to be re-certified; the program has been approved by the United States Department of Agriculture for six years.

The SSI recipient (age 65 or older) who can enroll in SNAP, does not have to be in a household with only SSI recipients; they can live with other household members. There are four criteria for SNAP eligibility which require that the recipient:

- 1) Live in Texas,
- 2) Be an SSI recipient 65 years of age or older,
- 3) Not be institutionalized, and
- 4) Not be currently receiving food stamps.

The only further variable that will affect benefit amount is the level of shelter expense.

If shelter costs are equal to or greater than \$289 monthly for the household, then each SSI recipient age 65 or older will qualify for \$46 monthly in food stamps. If the shelter expenses are less than \$289 monthly for the household, the food stamp benefit for each SSI recipient age 65 or older will be \$35 monthly. As stated previously, persons who want to apply for the regular food stamp benefit can do so; there will be some SSI recipients age 65 and older, for whom a higher food stamp benefit is due, given their medical expenses and their shelter expenses.

SSI recipients age 65 or older who already receiving food stamps, would have to step out of the regular food stamp program for three months, before being "outreached" into the SNAP program. (This is sort of a "tail wagging the dog" aspect: It is occurring, because of the "evaluation" of the SNAP program that will be conducted. SNAP is meant to reach SSI beneficiaries age 65 or older who have not been food stamp recipients; SNAP is not primarily to be for those poor souls who have been struggling by on \$10 monthly in food stamps. Any of those "\$10 per monthers" who are age 65 or older and who receive SSI and who want to be outreached by SNAP will have cease receiving food stamps for three months, before they will be "outreached" by SNAP.

APPENDIX 1

United States Code:

Title 7 - Agriculture, Chapter 51 – Food Stamp Program.

7 U.S.C. 2001 et seq.

<http://www4.law.cornell.edu/uscode/7/ch51.html>

Code of Federal Regulations:

Title 7 – Agriculture, Subtitle B – Regulations of the Department of Agriculture, Chapter II – Food and Nutrition Service, Department of Agriculture, Subchapter C – Food Stamp and Food Distribution Program, Parts 271 – 285.

7 C.F.R. 271.1 et seq.

http://www.access.gpo.gov/nara/cfr/waisidx_02/7cfrv4_02.html

The U.S. Department of Agriculture:

<http://www.usda.gov/index.html>

The U.S. Department of Agriculture Food and Nutrition Service:

<http://www.fns.usda.gov/fsp/>

The Food and Nutrition Service provides guidance on implementing Food Stamp Program policy to State food stamp agencies through memos to its seven [regional offices](#). The regional offices distribute the guidance to the State agencies with which they work. We also occasionally send letters on new policy initiatives directly to the welfare directors in the States or to the governors of the States.

<http://www.fns.usda.gov/fsp/info.htm>

Texas Human Resources Code:

Title 2 – Department of Human Services and Department of Protective and Regulatory Services, Subtitle C – Assistance Programs, Chapter 33 – Nutritional Assistance Programs.

Vernon’s Texas Codes Annotated, Human Resources Code, Section 33.001 et seq.

<http://www.capitol.state.tx.us/statutes/hr/hr0003300toc.html>

Texas Administrative Code:

Title 1 – Administration, Part 15 – Texas Health and Human Services Commission, Chapter 372 – Texas Works.

40 TAC §372

[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac_view=4&ti=1&pt=15&ch=372](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=4&ti=1&pt=15&ch=372)

Title 40 – Social Services and Assistance, Part 1 – Texas Department of Human Services, Chapter 79 – Legal Services.

40 TAC 79.101 et seq.

[http://info.sos.state.tx.us/pub/plsql/readtac\\$ext.ViewTAC?tac_view=4&ti=40&pt=1&ch=79](http://info.sos.state.tx.us/pub/plsql/readtac$ext.ViewTAC?tac_view=4&ti=40&pt=1&ch=79)

Texas Department of Human Services:

Food Stamp Program

<http://www.dhs.state.tx.us/>

Texas Works Handbook

<http://www.dhs.state.tx.us/handbooks/TexasWorks/>

Fair Hearing, Fraud, and Civil Rights Handbook

<http://www.dhs.state.tx.us/handbooks/fhfc/>

APPENDIX 2

Food Stamp Program Fiscal Year 2004 Eligibility Limits

Net Monthly Income Eligibility Standards (100% of Poverty Level: October 1, 2003 - September 30, 2004)

<u>Household Size</u>	<u>48 States*</u>	<u>Alaska</u>	<u>Hawaii</u>
1	\$749	\$935	\$861
2	\$1010	\$1,262	\$1,162
3	\$1,272	\$1,590	\$1,463
4	\$1,534	\$1,917	\$1,764
5	\$1,795	\$2,245	\$2,065
6	\$2,057	\$2,572	\$2,365
7	\$2,319	\$2,900	\$2,666
8	\$2,580	\$3,227	\$2,967
Each Additional Member	+ \$262	+ \$328	+ \$301

* Includes District of Columbia, Guam, and the Virgin Islands.

Gross Monthly Income Eligibility Standards (130% of Poverty Level: October 1, 2003 - September 30, 2004)

<u>Household Size</u>	<u>48 States¹</u>	<u>Alaska</u>	<u>Hawaii</u>
1	\$973	\$1,215	\$1,120
2	\$1,313	\$1,641	\$1,511
3	\$1,654	\$2,066	\$1,902
4	\$1,994	\$2,492	\$2,293
5	\$2,334	\$2,918	\$2,684
6	\$2,674	\$3,344	\$3,075
7	\$3,014	\$3,769	\$3,466
8	\$3,354	\$4,195	\$3,857
Each Additional Member	+ \$341	+ \$426	+ \$392

* Includes District of Columbia, Guam, and the Virgin Islands.

Gross Monthly Income Standards for Households Where Elderly Disabled are a Separate Household (165% of Poverty Level: October 1, 2003 - September 30, 2004)

<u>Household Size</u>	<u>48 States*</u>	<u>Alaska</u>	<u>Hawaii</u>
1	\$1,235	\$1,544	\$1,421
2	\$1,667	\$2,082	\$1,917
3	\$2,099	\$2,623	\$2,414
4	\$2,530	\$3,163	\$2,910
5	\$2,962	\$3,703	\$3,406
6	\$3,394	\$4,244	\$3,903
7	\$3,826	\$4,784	\$4,399
8	\$4,257	\$5,324	\$4,895
Each Additional Member	+ \$462	+ \$541	+ \$497

* Includes District of Columbia, Guam, and the Virgin Islands.

Food Stamp Program Fiscal Year 2004 Monthly Allotments and Deductions

Maximum Food Stamp Allotments (October 2003- September 2004): The maximum food stamp allotment is the maximum benefit a household can receive under the program. Only households without countable income (income minus deductions) receive the maximum allotment. Deductions and allotments are more generous in Hawaii and Alaska to reflect the higher cost of living.**

<u>Household Size</u>	<u>48 States and D.C.*</u>
1	\$141
2	\$259
3	\$371
4	\$471
5	\$560
6	\$672
7	\$743
8	\$849
Each Additional Member	+\$106

*This information is not yet available for FY 2004 for Alaska, Hawaii, Guam and the Virgin Islands

Deductions (*October 2003 - September 2004*): The standard deduction applies to all families to cover essential needs and services not covered by other deductions. The standard deduction will vary by household size up to households of six persons or more, which receive the maximum deduction. The shelter deduction is available for households whose shelter costs exceed half their income after all other deductions have been taken into account. The deduction is equal to 30 cents for every dollar more than half its net income that a household spends on housing.

<u>Area</u>	<u>Standard Deductions</u>			
Household Size	1 -3	4	5	6+
48 States and D.C.	\$134	\$134	\$149	\$171
Alaska	\$229	\$229	\$229	\$229
Hawaii	\$189	\$189	\$189	\$197
Guam	\$269	\$269	\$298	\$342
Virgin Islands	\$118	\$127	\$149	\$171

<u>Area</u>	<u>Shelter Deduction†</u>
48 States and D.C.	\$378
Alaska	\$604
Hawaii	\$509
Guam	\$444
Virgin Islands	\$298
Homeless Shelter Estimate	\$143

** See USDA, Food and Nutrition Service, [Food Stamp Program Maximum Monthly Allotments](#): Alaska, Hawaii, Guam & U.S. Virgin Islands.

†No cap for elderly or disabled.