

A Question and Answer guidance document specifically created for the above noted EA Policy Memo

Q1: What change will take place with this Policy Memo?

A1: The SNAP gross income limit will increase to 165% for all Expanded Resource Program (ERP) households. Non-ERP households will continue to have eligibility determined at 130% of the FPL for gross income. The net income limit remains 100% of the FPL for all households.

Q2: What date does the Policy Memo become effective?

A2: The increase to the gross income limit is effective May 26, 2021. Effective July 11, 2021, NFOCUS will be updated and all ERP households will be eligible to have their gross income determined at the new 165% limit.

Q3: How will this change affect EA Eligibility Staff?

A3: Eligibility Staff will need to explain to households what the income limits are for their household size just as they would have before the change. When explaining SR reporting requirements, workers will need to explain to households that they need to report based on the new limits.

Q4: How will applications be handled until July 11, 2021?

A4: If an ERP household's gross income is above 165% FPL, their benefits will be denied as usual. Non-ERP households will continue to be processed at 130% FPL, so there will be no change to processing their applications. If an ERP household's gross income is between 130% and 165% FPL the SNAP case needs to remain assigned to the SSW currently assigned and a pending notice will need to be sent to the household. Once NFOCUS is updated, a team will work to process the pending applications to determine eligibility. All case actions should be completed just short of processing the budget. This includes, but is not limited to: interviews, verification requests, collateral contacts, etc.

Q5: How do we determine if a household is ERP?

A5: ERP households will have a \$25,000 resource limit during budgeting. All households are ERP unless per 475 NAC 2-004.10(A):

- (i) *An individual in the household is disqualified due to failure to comply with work requirements;*
- (ii) *A member of the household is disqualified due to an intentional program violation. This applies to the following individuals:*
 - *Those found to have committed an IPV:*
 - *Through an administrative disqualification hearing;*
 - *By a federal, state, or local court; or,*

- *Who have signed either a waiver of the right to an administrative disqualification hearing or a disqualification consent agreement;*
- *Those found by a federal, state, or local court to have used or received Supplemental Nutrition Assistance Program benefits in a transaction involving the sale of a controlled substance;*
- *Those found by a federal, state, or local court to have used or received Supplemental Nutrition Assistance Program benefits in a transaction involving the sale or the purchase of firearms, ammunition, or explosives;*
- *Those convicted by a federal, state, or local court of trafficking Supplemental Nutrition Assistance Program benefits of an aggregate amount of \$500 or more;*
- *Those found by a federal, state, or local court or by a state agency to have made a fraudulent statement or representation with respect to the identity or place of residence in order to receive Supplemental Nutrition Assistance Program benefits in more than one household in the same month;*
- *Those found to be ineligible due to a drug felony disqualification pursuant to 001.07 of chapter 3; or,*
- *Those found to be ineligible due to being convicted of certain felonies pursuant to section 001.08 of chapter 3.*

Q6: Does this change have an end date?

A6: Yes. The increase to the gross income limit will end on September 30, 2023.

Q7: What should clients be told regarding their pending applications?

A7: Workers can provide the same information that will be provided to households in their pending notices.

Q8: What will workers do if a client with a pending application calls after July 11, 2021?

A8: If a client has a pending application, workers will be able to process the application like normal after July 11, 2021. Clients should not be directed to call back after July 11, 2021, because this will cause an unnecessary increase in calls. However, if they do call, we will not delay processing.

Q9: Will case closures be treated differently?

A9: Yes. When a household reports a change in income that would put them over 130% FPL for gross income, action must be taken to close the case as normal. After July 11, 2021, Program staff will receive a report of all such households closed but between 130% and 165% FPL and their continuing eligibility will be redetermined.