

Supplemental Nutrition Assistance Program (SNAP) Basics

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Trinh Phan, Justice in Aging

Erin Kee, National Council on Aging

Justice in Aging

Justice in Aging is a national organization that uses the power of law to fight senior poverty by securing access to affordable health care, economic security, and the courts for older adults with limited resources. Since 1972 we've focused our efforts primarily on populations that have traditionally lacked legal protection such as women, people of color, LGBT individuals, and people with limited English proficiency.

National Council on Aging is a respected national leader and trusted partner to help people aged 60+ meet the challenges of aging. We partner with nonprofit organizations, government, and business to provide innovative community programs and services, online help, and advocacy.

Key Lessons

1. **SNAP provides monthly benefits to low-income households to purchase food.** Income and asset limits apply. Many states have taken the option to lift income and asset limits.
2. **SNAP has special rules that help expand eligibility for seniors and people with disabilities.** These rules can qualify more households with seniors and people with disabilities for SNAP and increase the benefit amount.
3. **SNAP is administered at the state and local level, including the appeal process.**

SNAP Provides Monthly Benefits to Low-Income Households to Purchase Food

The Supplemental Nutrition Assistance Program (SNAP) provides food benefits and is broadly available to many households with low incomes. In fiscal year (October-September) 2018, a monthly average of 40.3 million persons in 20.1 million households participated in SNAP.¹ Under federal rules, a household must have income and resources below certain limits to qualify for SNAP.

Income tests: Households must pass two income tests to be eligible for SNAP. First, the household's *gross income* must be at or below 130% of the poverty line.² The gross income does not take into account certain expenses that can be deducted from income to determine SNAP eligibility. Second, the household's *net income* must be at or below the poverty line.³ The net income does take into account certain expenses that can be deducted for the SNAP program.

Households that include a senior (age 60 or older) or person with a disability do not need to meet the gross income test. While households typically must meet both income tests to be eligible for SNAP, households that include at least one person who is a senior or person with a disability only need to meet the net income test.⁴

1 USDA, "Supplemental Nutrition Assistance Program (SNAP), FY16 through FY19 National View Summary," fns-prod.azureedge.net/sites/default/files/pd/34SNAPmonthly.pdf

2 7 C.F.R. § 273.9(a)(1)

3 7 C.F.R. § 273.9(a)(2); see 7 C.F.R. § 273.10(e)(1) for calculation of the net income

4 7 C.F.R. § 273.9(a).

Resource test: Resources must be below certain limits, with a higher limit for households that have a member who is a senior or has a disability. Households with a member who is a senior or has a disability must have countable resources of \$3,500 or less, and households without such a member must have countable resources of \$2,250 or less.⁵

If a household is found eligible for SNAP, the household's monthly SNAP benefit will then be determined by subtracting 30% of the household's net income from the maximum SNAP benefit for the household size and location.⁶ The maximum SNAP benefit is based on the Thrifty Food Plan, which is the cheapest of four food plans designed by the United States Department of Agriculture (USDA) to represent a nutritious diet at different costs.⁷ The maximum benefit is the same throughout the contiguous United States, however it is different for Hawaii, Alaska, the Virgin Islands, and Guam.⁸

Households where all members receive SSI, TANF, or GA are categorically eligible for SNAP. If all household members receive benefits from Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), or General Assistance (GA) programs, the household is deemed to be financially eligible for SNAP, and the household does not need to pass the gross income, net income and resource tests.⁹ This is called “**categorical eligibility**” and eliminates the need for households that already receive benefits from these low-income programs to undergo another financial eligibility determination for SNAP. These households do still need to have a net income that is low enough to receive a SNAP benefit. Note that a categorically eligible SNAP household of one or two persons will qualify for at least a minimum SNAP benefit.¹⁰

EXAMPLE

Karen receives SSI, lives alone, and applies for SNAP. Because Karen receives SSI and is the only person in the SNAP household, she is categorically eligible for SNAP. The local human services office will use Karen's net income to determine the SNAP benefit amount she will receive. Even if the SNAP benefit calculation resulted in a zero benefit amount, Karen would still receive the minimum SNAP benefit because she is a categorically eligible household of one person.

PRACTICE TIP

Many states have relaxed the income and resource limits. States have the option to relax income and resource limits, and many states have done so by expanding categorical eligibility. Check the rules to identify the income limits and what if any resource limit applies in your jurisdiction.¹¹

5 7 C.F.R. § 273.8(b); for a summary of the resource limit and exclusions, see also, USDA, “Supplemental Nutrition Assistance Program (SNAP): Resources (Rules on resource limits),” at fns.usda.gov/snap/resources-rules-resource-limits.

6 7 C.F.R. § 273.10(e)(2)(ii)(A).

7 7 C.F.R. § 273.10(e)(4). See also USDA, “USDA Food Plans, Cost of Food,” cnpp.usda.gov/USDAFoodPlansCostofFood.

8 *Id.* See also, USDA, “Cost of Living Adjustment (COLA) Information,” fns.usda.gov/snap/cost-living-adjustment-cola-information (includes information by year of the income eligibility standards and the maximum and minimum allotments).

9 7 C.F.R. §§ 273.2(j)(2) and (4). California is the only state that maintains a “cash-out” policy that makes SSI recipients ineligible for SNAP. This will change on June 1, 2019, when California ends its cash-out policy and makes SSI recipients eligible for CalFresh, the state's SNAP program. See California Welfare & Institutions Code § 18900.5.

10 7 C.F.R. §273.10(e)(2)(ii)(C). See also USDA, “Cost of Living Adjustment (COLA) Information,” at fns.usda.gov/snap/cost-living-adjustment-cola-information (provides information by year on the income eligibility standards, including the minimum allotments).

11 As of October 2018, 43 jurisdictions have implemented broad-based categorical eligibility. See USDA, “Broad-Based Categorical Eligibility,” at fns-prod.azureedge.net/sites/default/files/snap/BBCE.pdf, and Congressional Research Service, “The Supplemental Nutrition Assistance Program (SNAP): Categorical Eligibility,” at fas.org/sgp/crs/misc/R42054.pdf.

Benefits are provided to a SNAP household, which refers to an individual or a group of people living together who customarily purchase food and prepare meals together.¹² The exceptions are spouses who live together and parents who live with their children under age 22, who must be included in the same SNAP household whether or not they purchase food and prepare meals together.¹³ In practice, this means more than one SNAP household can be living at one address.

EXAMPLE

Karen lives with her 40-year-old adult child Jeremy and two grandchildren. Karen purchases and prepares her own food, and Jeremy purchases and prepares food for himself and the grandchildren. While all four live at the same address, they are considered two SNAP households, one with Karen alone, and a second with Jeremy and the grandchildren.

Special SNAP Rules for Seniors and People With Disabilities Can Expand Eligibility and Increase the Benefit Amount

A household can subtract certain deductions from its gross income in order to arrive at a net income amount. Remember that households must be under the net income limit described previously in order to qualify for SNAP. These deductions include a standard deduction, and deductions for earned income, dependent care, and excess shelter costs.¹⁴

Special SNAP rules can increase deductions for households that include a member who is an older adult (age 60 or older) or has a disability. Advocates working with older adults can help them maximize the SNAP benefit amount by ensuring they take the full amount of deductions. Two deductions to remember are the: 1) **uncapped excess shelter** deduction and 2) the **excess medical expense** deduction.

All households can take the excess shelter deduction for housing costs that exceed 50% of the household's income after other allowable deductions are made.¹⁵ The deduction is capped and varies by location. For example it is \$552 in 2019 for the 48 states and the District of Columbia.¹⁶ **Households with a senior or person with a disability can take the full value of this excess shelter deduction with no cap.**¹⁷ This may help the household to meet the net income test and to receive a higher SNAP benefit.

EXAMPLE

Karen, an older adult, lives with an adult child and two grandchildren. The household applies for SNAP. The household's income after other allowable deductions are made is \$1,400, and the household has \$1,600 in shelter costs. The \$1,600 shelter cost exceeds \$700 (50% of the adjusted household income) by \$900. Because the SNAP household includes an older adult (Karen), the household can take the full excess shelter deduction of \$900.

Households with at least one older adult or person with a disability can also deduct non-reimbursed medical expenses over \$35 a month incurred by the elderly or disabled household member.¹⁸ Allowable expenses include:

¹² 7 CFR § 273.1(a).

¹³ 7 CFR § 273.1(b).

¹⁴ 7 C.F.R. § 273.9(d).

¹⁵ 7 C.F.R. § 273.9(d)(6)(ii).

¹⁶ USDA, "Supplemental Nutrition Assistance Program (SNAP) Fiscal Year (FY) 2019 Maximum Allotments and Deductions", at fns-prod.azureedge.net/sites/default/files/snap/FY19-Maximum-Allotments-Deductions.pdf (see page 2).

¹⁷ *Id.*

¹⁸ 7 C.F.R. § 273.9(d)(3).

medical and dental care including psychotherapy and rehabilitation services, prescription medications, over-the-counter medications approved by a medical professional, costs to obtain and maintain service animals, reasonable transportation and lodging needed to obtain medical treatment, medical equipment and supplies, health insurance premiums, and home healthcare costs.¹⁹

Seniors and people with disabilities are exempt from work requirements. Adults age 18-59 must register for work and comply with employment and training requirements.²⁰ Stricter rules apply to adults without dependents age 18-49, who are subject to a three-month limit of benefits in three years unless they meet certain exceptions.²¹ Adults age 60 and older and individuals with disabilities are exempt from these work requirements.²²

SNAP is Administered at the State and Local Level, Including the Appeal Process

The SNAP program includes federal, state, and local level involvement. SNAP benefits are paid by the federal government and the USDA oversees the program. State agencies administer the program at the state and local level and are responsible for processing applications, determining ongoing eligibility, and deciding appeals.²³

In general, if a state agency takes action to reduce or terminate benefits, it must provide notice at least ten days prior to the date of a proposed action.²⁴ The claimant can request a hearing on any action by the state agency or loss of benefits that occurred in the prior 90 days.²⁵ The state agency must issue the decision on an appeal within 60 days of the hearing request.²⁶

Glossary

Categorical eligibility

A shortened method for households in which all members receive or are authorized to receive TANF, SSI, or GA benefits to be deemed financially eligible for SNAP.

Gross Income Limit

The monthly gross income limit to qualify for SNAP, determined by household size. The limits are equal to 130 percent of the Federal poverty guidelines.

Household

An individual or a group of people who live together and customarily purchase food and prepare meals together.

Net Income Limit

The monthly net income limit to qualify for SNAP, determined by household size. The limits are equal to 100 percent of the Federal poverty guidelines.

19 7 C.F.R. § 273.9(d)(3); USDA FNS Memorandum, “Deductible Excess Medical Expenses: November 23, 2015 Memo Revision,” at fns-prod.azureedge.net/sites/default/files/snap/Deductible-Excess-Medical-Expenses.pdf.

20 7 C.F.R. §§ 273.7(a) and (b).

21 7 C.F.R. § 273.24.

22 7 C.F.R. §§ 273.7(b)(1)(i), 273.7(b)(1)(ii), 273.24(c)(1), 273.24(c)(2).

23 Center on Budget and Policy Priorities, “SNAP Online: A Review of State Government SNAP Websites”, cbpp.org/research/snap-online-a-review-of-state-government-snap-websites

24 7 C.F.R. § 273.13(a)(1). In certain limited circumstances, the state agency may give shorter notice. See 7 C.F.R. §§ 273.13(a)(3)(i), (iii), 273.13(b)(1)

25 7 C.F.R. § 273.15(g).

26 7 C.F.R. § 273.15(c).

Conclusion

SNAP provides food benefits for low-income individuals. Special rules allow more seniors and people with disabilities to be eligible for SNAP and can increase the benefit amount.

Additional Resources

- Trinh Phan, Justice in Aging, tphan@justiceinaging.org
- Erin Kee, National Council on Aging, erin.kee@ncoa.org
- Statute: [7 U.S.C. § 2011 et seq.](#)
- Regulations: [7 C.F.R. §271.1 et seq.](#)
- [United States Department of Agriculture, Food and Nutrition Service](#)
- National Council on Aging, [Seniors & SNAP Best Practices Handbook](#)
- National Council on Aging, [Senior SNAP Enrollment Promising Practices Brief](#)

Case consultation assistance is available for attorneys and professionals seeking more information to help older adults. Contact NCLER at ConsultNCLER@acl.hhs.gov.

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