

Utah Legal Services

Committed to Equal Justice

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Food Stamps

What is the purpose of the Food Stamp Program?

Food Stamps are issued through the Utah Horizon card, which acts as a "debit card" to buy groceries. Food Stamps can only be used to buy food and seeds to grow food for human consumption. You do not pay Utah's sales tax on food when using your Horizon card.

Food Stamps cannot be used to purchase the following items: pet foods, cigarettes, paper products, alcoholic beverages, household products, hot "ready-to-eat" food, unpaid grocery bills.

Where can I apply and get more information about the Food Stamp Program?

You may apply for benefits at your closest DWS office, the same place you apply for financial assistance. If you are applying for SSI at your local Social Security office, you may file for Food Stamps at the same office. Be sure to request this assistance. If you have problems, call Utahns Against Hunger at 328-2561 or 1-800- 453-3663. You may also contact us. You can also apply online at <http://jobs.utah.gov>.

What if I am 65 years or older and an SSI recipient?

Persons over age 65 and SSI recipients enjoy special privileges under the Food Stamp program. They may have the amount of their Food Stamp allotment deposited directly into a non-Food Stamp account; they may use their Horizon card at an ATM to withdraw as cash all or part of their Food Stamp allotment (a fee of \$1.50 to \$3.00 will likely be charged); and they may get cash back at a grocery store without incurring a fee. Other Horizon cardholders cannot receive cash back at a grocery store.

How do I know if I am eligible for the Food Stamp Program?

You must have limited income and resources in order to qualify for Food Stamps. People apply

for Food Stamps as "households." There can be several households living under the same roof. Because the resources and income of each household member is included in determining total household income, it is important that you correctly report the makeup of your household. The number of people in your household also affects the amount you will receive.

What is the definition of a "Household" for the Food Stamp Program?

For Food Stamp purposes, a household may consist of any of the following:

- An individual living alone;
- An individual living with others who buy and prepare food separately;
- A group of individuals living together who buy and prepare their food together for common consumption (this can include an adult who lives in the residence only part of every month);
- Spouses and their children age 21 or under living together;
- In some cases, a person whose disability prevents buying or preparing food separately;
- Residents of a group home, drug and alcohol treatment program, or a shelter for battered women; or,
- A person age 60 or older who is disabled and unable to purchase and prepare food separately even when living with other family members.

Who is not considered part of "Household" for the Food Stamp Program?

Some persons are not considered part of any household. They are not eligible for Food Stamps, but their income and resources will be included in the household income. That list includes ineligible aliens, fleeing felons, and persons disqualified from receiving Food Stamps (e.g., someone who has failed to follow work requirements).

Can divorced families both claim the children as part of their Food Stamp Household?

No. In families in which the parents are divorced and not living together, only one of the parents may include the children within his or her household. If only one parent has custody, only that parent may include the child in his or her household. If the parents have joint custody (the children alternate living with both parents during the month), the parents must decide which one will include the child in his or her household. The child can only be a member of one household, not both.

Are there other eligibility requirements?

Even though you have limited income, you may not be eligible for Food Stamps. If you are 60

years of age or older, are disabled, or have dependent children, you will likely qualify. On the other hand, if you have no dependent children and are considered able-bodied, you may receive Food Stamps only under limited circumstances.

Are there citizenship requirements?

To receive Food Stamps, you must meet one of the following requirements:

- Be a U.S. citizen; **or**
- Have permanent resident status and have 40 quarters of coverage under Social Security or be receiving disability payments; **or**
- Be in the U.S. under a special immigration status.

What if I am a roomer or boarder?

If you pay for rent and food in a commercial or private boarding house, you cannot receive Food Stamps. However, if you are a roomer (pay rent only), you may be eligible. A household that takes in roomers or boarders may be eligible to receive Food Stamps.

Can I get Food Stamps if I am a striker?

If you are on strike, you are eligible for Food Stamps only if you were eligible before the strike. Employees not involved in the strike, but who are prevented from working by the strike, may be eligible.

Can I get Food Stamps if I am a student?

You are a "student" if you are between the ages of 18 and 49 and enrolled at least half-time at an institution of higher learning. If you are a student, you may receive Food Stamps, provided you meet one of the following requirements:

- Employed at least 20 hours per week for at least minimum wage; **or**
- Participating in a work-study program that is state or federally financed; **or**
- Caring for a dependent child; **or**
- Receiving TANF benefits; **or**
- Receiving disability benefits.

How is household income counted?

Calculating Household Income

DWS will count the income, both earned and unearned, of every household member. Your assets will also be reviewed. Be sure to discuss your particular situation with your caseworker. The

following sections discuss the most common forms of income and resources.

Earned Income.

This may include:

- Salary or wages from a job
- Self-reported tips
- Self-employment income
- Training allowances from the government, vocational rehabilitation, etc.
- Rental income from property you own and manage an average of 20 or more hours per week
- Rent from a boarder or roomer

Unearned Income.

This may include:

- Financial assistance benefits (e.g., FEP or GA);
- Social Security or SSI benefits;
- Unemployment or workers compensation benefits;
- Pensions, child support, or alimony;
- Payments made to a third party for your benefit (such as someone paying a bill you owe);
- Some federal educational loans and grants may be considered income (however, BEOG/SEOG or PELL grants, PLUS programs, GSL loans, Perkins loans, Byrd scholarships, and a number of others are NOT considered income. Your caseworker has a list.);
- Rental income from property you own, but manage less than 20 hours per week (If you are receiving free or reduced rent for managing or providing maintenance on rental units where you reside, you may have countable income.); or,
- Foster care and guardianship payments.

Excluded Income.

Certain forms of income are excluded from consideration. These include:

- Money withheld to pay an overpayment of a government benefit
- Child support kept by ORS
- Some education grants and scholarships
- Some (but not all) loans
- A child's income if living at home under parental control.

How are resources and vehicles counted?

Resources.

A resource is anything of value belonging to a household member, including money to which a household member can gain access. Examples include:

- Cash on hand;
- Checking and savings accounts;
- Stocks, bonds and CDs (certificates of deposit);
- Inheritances and prizes;
- Cars and land; or,
- Trusts.

Resource Limits.

The current household resource limits are:

- \$2,000 for most households; or
- \$3,250 for households of two or more persons, provided at least one person is 60 years of age or older.

Excluded Resources.

A number of things are not counted as resources. These include:

- The home you live in and surrounding property
- A lot on which you are building a home
- Household and personal goods
- The cash value of life insurance policy or pension fund
- Income-producing property or tools
- Inaccessible resources (Note: money that you could get but that would require you to pay a penalty or would require a petition to a court is still accessible money)
- Resources of non-household members
- Burial plots
- Certain vehicles (see below)

Vehicles.

All motorized vehicles, including recreational vehicles, are exempt. Campers, fifth wheels and trailers are not exempt.

How are benefits calculated?

After looking at countable resources and income, DWS will deduct certain expenses from income to establish your benefit amount. The income deductions include:

- A standard deduction for all households
- A 20 percent earned income deduction

- A deduction for child care or dependent care costs that you pay a caretaker in order to work (up to \$200 per child under 2 years old; up to \$175 per child over 2 years old; and up to \$175 per adult dependent)
- A standard rent and utility allowance
- A deduction for monthly medical expenses over \$35 for the disabled or for those over age 60
- A deduction for some educational expenses
- A deduction for child support paid as an obligor

A household that pays more medical expenses in a certain month can have its food stamps adjusted and receive more benefits the next month to offset the high medical bills.

Are there work requirements?

If you are between the ages of 19 (16 if you are emancipated or not enrolled in school) and 60, you must register, look for work, and have an approved employment plan with DWS, unless you meet one of the following exemptions:

- Physically or mentally unfit to work; or
- Receiving SSI or SSDI benefits; or
- Receiving unemployment compensation; or
- Child care is not available; or
- In treatment for drug or alcohol addiction in an approved program; or
- Employed/self-employed at least 30 hours per week or earning more than \$100 per week; or
- A child who is under 18 or older but still in high school, or out of high school but attending vocational technical education classes; or
- A child under 18 years old who has not finished high school; or
- A student at an institution of higher education (See section above that talks about students).

If you are the head of the household and quit a job without good cause, your household can be denied Food Stamps for up to 90 days.

What if I am an Able-Bodied Adults Without Dependents (ABAWD)?

Adults between the ages of 18 and 49 who are living in a Food Stamp household without a minor child (under age 18) are subject to special rules. ABAWDs are limited to 3 months of benefits during a 36-month period. In order to continue receiving benefits past the initial 3-month eligibility period, the participant must:

- Be employed 80 hours a month; or
- Participate in an employment learning activity consisting of 24 hours a month at a work site or 20 hours a month at work training; or

Are there any exceptions to the ABAWD requirement?

The following persons are exempt from ABAWD requirements:

- A person who is medically (either physical or mentally) certified as unable to work for the next 30 days
- A woman who is pregnant (regardless of which trimester she is in)
- A person responsible for the care of an incapacitated person (either a household member or non-household member)
- A person receiving unemployment compensation
- A person participating in a drug or alcohol treatment program
- A person enrolled at least half-time in a school or training program
- A student who is eligible for Food Stamps under the criteria given above in the section on "students"
- A person living in a "distressed county". Consult your local DWS office to determine if you fit into this category.

Who can get expedited Food Stamps?

Low-Income.

If you have unusually low income, you may be eligible to receive Food Stamps within 7 days after you apply. To qualify, you must have:

- Less than \$150 in monthly gross income and
- Less than \$100 in liquid resources.

You may also qualify if your combined income and liquid assets are less than your monthly housing (rent or mortgage) and utility costs.

Migrant Farmworkers.

If you are a migrant farm worker and your source of income has ended, you should qualify for expedited food stamps. If you are a non-citizen farm worker, click on Alien Eligibility.

What must be verified to get expedited food stamps?

Identity is the only item that must be verified for expedited services. Your identity can be documented through available documents (drivers license, work or school ID, voter registration card, birth certificate) or a collateral contact (someone who can be contacted to verify your identity). The DWS worker must promptly contact the person named or help the household get proof. Food Stamps should never be delayed for more than 7 days because the household cannot provide all verification.

How long will it take to get expedited Food Stamps?

If you qualify for expedited services, DWS is required to deliver your Horizon card within 7 calendar days. DWS is currently under a court order requiring that this be done as quickly as possible. The time for delivering your card starts the day the application is received, not when the application is completed.

My adult daughter has moved in with me. DWS is saying her income must be counted in determining my Food Stamp benefits. Is this correct?

Yes. By federal law, the DWS office must count the income of everyone who lives in your household. In order to exclude your daughter from your Food Stamp computation, she would have to be purchasing and preparing food separately from you.

I am homeless and have had no income for the past month. How long should it take before I can get Food Stamps?

You should be eligible to receive expedited Food Stamps within 7 days after you apply.

I got a notice of overpayment on my Food Stamps. When I checked on it, I was told that the DWS worker made the mistake but I still have to pay it back. Is that true?

Yes. Unfortunately, even when the overpayment was not your fault, the state of Utah must try to collect it from you. There is no right to request a waiver as there is with Social Security benefits. You may ask for a hearing to verify that there was an overpayment and that the amount of the overpayment is correct.

