

S.N.A.P. Options in South Carolina: A Guide for Advocates



(Revised June 2009)

FOREWORD

This guide was produced by the South Carolina Appleseed Legal Justice Center. It is intended as a state-option supplement to the Food Research and Action Center (FRAC) Guide to the Supplemental Nutrition Assistance Program (SNAP). SNAP is the new name for the Food Stamp Program. Its purpose is to give anti-hunger advocates in South Carolina a quick-reference guide to the options that South Carolina has elected for the program, as allowed under Federal law.

This guide is not exhaustive on any issue. For detailed information on the federal Food Stamp Program rules or more detailed information on the SC options for the SNAP program, you may want to consult the materials from FRAC at <http://www.frac.org> and the materials from the South Carolina Department of Social Services at <http://dss.sc.gov>. Other research resources and materials are available to the anti-hunger advocate both in print and online.

South Carolina Appleseed wishes to thank the people who have reviewed or participated in the development of this guide, particularly Ms. Talae Tuitele.

The South Carolina Appleseed Legal Justice Center is dedicated to advocacy for low-income people in South Carolina. We strive to effect systemic change by acting in and through the courts, the Legislature, administrative agencies, community and the media, as well as to help others do the same through education, training and co-counseling. To find out more about our organization, go to <http://www.scjustice.org> on the Internet.

This manual is for information only. It does not contain all of the information you need to know about SNAP. If you need help with SNAP benefits, you may want to talk to a lawyer. If you have a low income, you may wish to seek help from South Carolina Legal Services by calling LATIS at 1-888-346-5592. If you do not have a low income, you may wish to contact the South Carolina Bar Lawyer Referral Service at 1-800-868-2284. For general information about the Supplemental Nutrition Assistance Program, you may contact the South Carolina Department of Social Services at 1-800-768-5700.

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RELEVANT STATUTES AND REGULATIONS

STATUTES

Food and Nutrition Act of 2008 (previously the *Food Stamp Act of 1977*), as amended Codified at 7 U.S.C. § 2011-2036

Public Aid and Assistance..... Codified at S.C. Code Ann. § 43-5-10 *et. seq.*

REGULATIONS

Food Stamp and Food Distribution Program Codified at 7 C.F.R. § 271 *et. seq.*

Supplemental Nutritional Assistance Program (South Carolina)..... Codified at S.C. Code Ann. Regs. 114-1300 *et. seq.*

I. INTRODUCTION

In October 2008, the name of the federal Food Stamp Program was changed to the Supplemental Nutrition Assistance Program (SNAP). This name change was part of changes to the Food Stamp Program authorized under the Farm Bill. Generally, federal law and regulations govern the SNAP Program. This means that the majority of rules regarding the program are the same in every state. However, there are some choices that federal law allows state agencies to make regarding how those agencies administer SNAP in their respective states. These state choices are discussed in more detail in the **FRAC Guide to the Food Stamps Program**, particularly in *Part N – State Options* (Sections 108 – 123 of that guide).

In South Carolina, the agency that administers SNAP is the South Carolina Department of Social Services (SC DSS). This guide details some of the most significant choices that SC DSS has made regarding the administration of SNAP in South Carolina.

The guide covers the following topics:

- Options for Processing Applications
- Options regarding General Eligibility Rules
- Options regarding Work Requirements
- Options for Electronic Benefits Transfer
- Options for SNAP Outreach Activities
- Options for the Simplified Supplemental Nutritional Assistance Program
- Options for Transitional SNAP for TANF Leavers
- Options for Sanctions Against SNAP Participants

II. OPTIONS FOR PROCESSING APPLICATIONS

The following are the options that SC has chosen regarding the processing of SNAP applications, to the extent allowed under federal law.

II-A. Waiver of Face-to-Face Interviews for the Elderly and Disabled

Federal law allows a state to waive the face-to-face interviews for households consisting of only elderly or disabled members who are not working, unless the household wants a face-to-face interview.¹ SC has opted to waive the face-to-face interview for such households.

II-B. Recertification Applications

Federal law allows states to send participants a new application when the SNAP office notifies them that the certification period is ending.² SC DSS sends a “Mailed Recertification Form” that serves as the recertification application.³ This form must be completed, signed (under penalty of perjury), and returned by the date listed on the form in order for the household to receive uninterrupted benefits.

II-C. Holding Applications Pending Verification

Under federal law, if a SNAP office is unable to decide on a household’s application within the first 30 days after the household applied for SNAP benefits and if the delay is not the fault of the SNAP office, the applicant household will not receive SNAP benefits for that month in which the household applied.⁴ However, the SNAP office must give the applicant household another 30 days to complete whatever requirement caused the initial delay, without the household having to file a new application.⁵ Instead of the applicant household having to file a new application once the requirement is met, the state can choose to do one of two things. The state may either deny the household’s application and then re-open it once the requirement that caused the delay is met, or the state may notify the

¹ 7 C.F.R. § 273.2(e)(2)

² 7 C.F.R. § 273.14(b)(1)

³ “Mailed Recertification Form”, SC Department of Social Services, located at <http://dss.sc.gov/content/library/forms/files/3807-A.pdf>. (Last accessed on September 24, 2008)

⁴ 7 C.F.R. § 273.2(h)(2)

⁵ *Id.*

household that it is holding the application in a pending status during the 30-day period and will act on it if the requirement is met in that time period.⁶ SC DSS has opted to send a denial to the applicant household on the 31st day following application and re-open the application if the information is provided within the additional 30 days.⁷

⁶ 7 C.F.R. §§ 273.2(h)(2), 273.10(g)

⁷ S.C. Code Ann. Regs. 114-1320(D).

III. OPTIONS REGARDING GENERAL ELIGIBILITY RULES

Eligibility conditions or SC DSS procedures or methods must not prevent an individual from applying for and obtaining a determination of eligibility or ineligibility.⁸ Methods of eligibility determination must be consistent with the objective of assisting all eligible persons to qualify.⁹

III-A. Categorical Eligibility

Under federal law, state agencies can declare that certain households are *categorically eligible*.¹⁰ With some exceptions, if any combination of people in a household is receiving cash benefits from a TANF program or from Supplemental Security Income, the household is categorically eligible for SNAP benefits. Households that are deemed categorically eligible are subject to less stringent income and resource tests in most situations.

The more broadly that a state defines what households qualify for categorically eligible status, the more households in that state that will be eligible for the SNAP program. However, the state may only extend the categorical eligibility when doing so will further the purposes of the Food and Nutrition Act of 2008¹¹ (formerly called the Food Stamp Act of 1977). Also, federal law will only allow states the option of extending categorical eligibility to:

- Households receiving benefits which are only partly funded through the Temporary Assistance to Needy Families (TANF) program or state maintenance-of-effort (MOE) funds.¹²
- An entire household if only one member of that household gets TANF-funded or MOE-funded benefits, as long as the state agency determines that the entire household would benefit.¹³

⁸ S.C. Code Ann. Regs. 114-1320(J).

⁹ *Id.*

¹⁰ 7 C.F.R. § 273.2(j)(2)(ii).

¹¹ 7 U.S.C. § 2011 *et. seq.*

¹² *Id.*

¹³ 7 C.F.R. § 273.2(j)(2)(iii).

In South Carolina, the TANF program is called the Family Independence Program. SC DSS has opted to extend categorical eligibility to any household in which all members receive or are authorized to receive non-cash or in-kind services from a program funded through a Family Independence program and that is designed to further the purposes of the TANF block grant.¹⁴

III-B. Income Limits

States have the option to exclude certain types of income and resources when it makes a determination as to whether an applicant household is income-eligible for SNAP. Examples include, but are not limited to the following:

- Child support that a household is legally bound to pay to someone outside of the household (rather than deducting such payments)¹⁵
- Kinds of income and resources that it also excludes from its TANF or family-based Medicaid program¹⁶
- For households which include an ineligible documented immigrant, the state may opt not to include that immigrant's income towards the rest of the household, as long as the household does not receive more benefits than it would if that immigrant were eligible.¹⁷
- For households with other ineligible immigrants, a state can opt to include only a pro-rata share of that immigrant's income rather than the entire amount.¹⁸

SC DSS has opted to align SNAP policy regarding counting income and resources with TANF policy, to the extent allowed by federal law. Therefore, any income or resources that can be excluded under the Family Independence program can be excluded under SNAP, with some exceptions. The exceptions for this regarding income are wages, salaries, benefits from major assistance programs, regular payments from a government source, worker's compensation, child support payments, and other types determined countable to insure fairness in eligibility

¹⁴ S.C. Code Ann. Regs. 114-1300(C).

¹⁵ 7 U.S.C. § 2014(d)(16).

¹⁶ 7 U.S.C. § 2014(d)(18).

¹⁷ 7 C.F.R. § 273.11(c)(3)(ii)(B).

¹⁸ 7 C.F.R. § 273.11(c)(3)(i).

determinations.¹⁹ The exceptions for this regarding resources are cash, readily-available bank accounts, and other resources that federal SNAP regulations may prohibit states from excluding.²⁰

Regarding income and resources, SC DSS excludes the following, among other types of income and assets:

- Income²¹
 - Benefits not received as cash
 - Sporadic income not totaling over \$30 in 3 months
 - Advance Earned Income Tax Credit payments
 - Money from private sources not over \$300 in any three months
 - Other types of income per the regulations

- Resources²²
 - A house and the land it sits on
 - One registered vehicle per licensed driver in the household
 - Liquid resources up to \$2500
 - IDAs up to \$10,000
 - Other types of resources per the regulations

The 2008 Farm Bill also provided that asset limits for SNAP households would be indexed to inflation, rounded down to the nearest \$250, as of October 1, 2008.²³

SC DSS has also opted to count only a pro-rata share of the gross income of an ineligible immigrant toward the total income of the SNAP budget group.²⁴ Also, SC DSS will submit to FNS for renewal every two years the "waiver" to accept a benefit group's statement as verification for interest income in the amount of \$10 or less per month or \$120 or less per year.²⁵

¹⁹ USDA Food and Nutrition Service Food Stamp Program State Options Report, 7th Edition (November 2007), at page 6, available at http://www.fns.usda.gov/fsp/rules/Memo/Support/State_Options/7-State_Options.pdf. (Last accessed on July 2, 2009)

²⁰ *Id.*

²¹ 7 C.F.R. § 273.9(c)

²² S.C. Code Ann. Regs. 114-1140(C),(E),(I)

²³ *The Food, Conservation, and Energy Act of 2008*, Public Law No. 110-246, June 18, 2008.

²⁴ S.C. Code Ann. Regs. 114-1330(C).

²⁵ S.C. Code Ann. Regs. 114-1330(D).

III-C. Deductions

When applying for SNAP benefits, if an applicant fails to verify a new or changed deductible expense, the Department will not allow the deduction. The applicant, if eligible, must be certified without the deduction.²⁶

Instead of excluding the payments that a member of an applicant household is legally bound to pay for child support from the household's income, a state may simply deduct those payments from the applicant household's gross income.²⁷ South Carolina treats legally-required child support payments as a deduction rather than an exclusion from income.²⁸ Alimony payments may not be included in such deduction, although payments towards child support arrearages may be included.

States may also create a deduction of \$143 per month as a standard homeless shelter deduction for households with shelter costs. SC DSS allows homeless SNAP recipients to claim a monthly shelter deduction based on the family's actual costs that the household incurs.²⁹

A state may also require that all recipients use a mandatory standard utility allowance (SUA) rather than deducting the actual expenses paid for utilities.³⁰ This means that households with utility costs that are more than the SUA might receive less in SNAP benefits than the same family would if it were allowed to deduct actual expenses, while other households with utility costs that are less than the SUA might receive more than they otherwise would. SC DSS has a mandatory monthly simplified SUA for households which incur a heating or cooling expense during the year, as well as a monthly basic utility allowance (BUA) for households that do not incur a heating or cooling expense during the year. The SUA and BUA are reviewed and updated every year.³¹

III-D. Certification and Reporting

²⁶ S.C. Code Ann. Regs. 114-1320(E).

²⁷ 7 C.F.R. §§ 273.9(d)(5), 273.10(e)(1)(i)(F).

²⁸ USDA Food and Nutrition Service Food Stamp Program State Options Report, 7th Edition (November 2007) at page 13, available at http://www.fns.usda.gov/fsp/rules/Memo/Support/State_Options/7-State_Options.pdf. (Last accessed on July 2, 2009)

²⁹ S.C. Code Ann. Regs. 114-1330(B).

³⁰ 7 C.F.R. § 273.9(d)(6)(iii).

³¹ S.C. Code Ann. Regs. 114-1330(A).

States may choose one of four ways to have households report changes in circumstances between recertification periods. These ways are change reporting, quarterly reporting, monthly reporting, and simplified (also called “semiannual”) reporting. With change reporting, changes to circumstances must be reported within a 10 days from the date of the change.³² Quarterly³³ and monthly³⁴ reporting require changes to be reported every three months and every month, respectively. Simplified reporting requires that changes in circumstances be reported every 4, 5, or 6 months, depending on the state.³⁵ Recent changes to the federal SNAP law allow all households to be placed on simplified reporting.

In South Carolina, households with earned income and six-month certification periods only need to report changes in the amount of gross monthly income that results in their gross monthly income exceeding 130% of the monthly poverty income guideline for their poverty size.³⁶ Households with earned income that are certified for longer than six months must submit an interim report at six months detailing all changes in the household. Every two years, SC DSS submits to the Food and Nutrition Service (FNS) the waiver to require certified benefit groups to report the following:

1. Changes to earned income if there is a change in source, hourly rate or salary, or employment status;
2. Changes in the source of unearned income from private sources and changes in the amount of unearned income from private sources of more than \$100 within 10 days from the date the change becomes known to the benefit group (so long as the certified benefit group is not subject to the mailed recertification process; and
3. New employment within 10 days from the start of new employment

³² 7 C.F.R. § 273.12.

³³ 7 C.F.R. § 273.12(a)(4)(i).

³⁴ 7 C.F.R. § 273.21.

³⁵ 7 C.F.R. § 273.12(a)(1)(vii).

³⁶ S.C. Code Ann. Regs. 114-1350(A).

During the recertification process, a household's timely recertification application will continue to be denied at the end of the last month of the certification period if the recipient either fails to appear for an interview or fails to submit required verification(s) within the required time frame.³⁷ SC DSS has waived the requirement for a face-to-face interview for the recertification process only. Instead, interviews can be conducted by telephone, unless the State determines that a face-to-face is appropriate or the applicant requests a face-to-face interview.³⁸

III-E. Immigrants and Eligibility

SC DSS must verify the validity of all documents used to verify the immigration status of noncitizens through the Immigration and Naturalization Service (INS) Systematic Alien Verification Entitlement (SAVE) Program.³⁹

III-F. Other Eligibility and Resources Issues

States must put a lifetime ban on individuals convicted under the state or federal law of a drug-related felony for conduct on or after August 22, 1996, unless the state limits this disqualification.⁴⁰ States can also opt not to disqualify any or all people convicted of drug crimes, or may shorten the disqualification period.⁴¹ South Carolina DSS has selected to enforce the lifetime ban without limitations.⁴²

III-G. SCCAP⁴³

The South Carolina Combined Application Project (SCCAP) is a state project that is designed to increase the usage of SNAP benefits among South Carolina's Supplement Security Income recipients. A person in the SCCAP program no longer

³⁷ S.C. Code Ann. Regs. 114-1320(F).

³⁸ USDA Food and Nutrition Service Food Stamp Program State Options Report, 7th Edition (November 2007) at page 24, available at http://www.fns.usda.gov/fsp/rules/Memo/Support/State_Options/7-State_Options.pdf. (Last accessed on July 2, 2009)

³⁹ S.C. Code Ann. Regs. 114-1320(B).

⁴⁰ 7 C.F.R. § 273.11(c).

⁴¹ 21 U.S.C. § 862a.

⁴² USDA Food and Nutrition Service Food Stamp Program State Options Report, 7th Edition (November 2007) at page 22, available at http://www.fns.usda.gov/fsp/rules/Memo/Support/State_Options/7-State_Options.pdf.

⁴³ SCCAP Program, SC Department of Social Services, available at <http://dss.sc.gov/content/customers/food/sccap/index.aspx> (Last accessed on July 2, 2009)

has to apply at a DSS office to get SNAP benefits. Instead, he or she receives a set amount of SNAP benefits each month, with an annual cost-of-living adjustment, by virtue of the fact that he or she receives SSI. The participant is eligible if he or she receives SSI, is in a single-person household, and receives no earned income.

A person who qualifies for SCCAP but who also has shelter (such as rent or mortgage, property taxes, home insurance, etc.) and utility (such as electricity, gas for heating or cooling, water, sewage, garbage pick-up, etc.) expenses that are more than one-half of his or her monthly income or who has monthly medical out-of-pocket expenses over \$35 may want to apply for SNAP benefits directly through DSS because he or she may be eligible for a larger amount of SNAP benefits than available through SCCAP.

III-H. ESAP⁴⁴

The South Carolina Elderly Simplified Application Project (ESAP) is designed to simplify the SNAP program application process for elderly individuals. The goal of the project is to raise levels of nutrition among low-income individuals and to better serve the nutritional needs of elderly individuals. An applicant household is eligible for ESAP if:

- All household members who purchase and prepare their food together are elderly (age 60 or older);
- The household has no earned income and is otherwise eligible for SNAP benefits; and
- The household does not already receive SNAP benefits under the South Carolina Combined Application Project (SCCAP)

Applicants are not required to complete a face-to-face interview, and once certified, participant households are only required to report certain changes to DSS by telephone.

⁴⁴ ESAP Program, SC Department of Social Services, located at <http://dss.sc.gov/content/customers/food/esap/index.aspx>. (Last accessed on July 2, 2009)

IV. OPTIONS REGARDING WORK REQUIREMENTS

IV-A. Able-Bodied Adults Without Dependents (ABAWDs)

States are able to obtain a waiver from the USDA on the Able-bodied Adults Without Dependents (ABAWD) rule that allows ABAWDs to receive only three months of SNAP benefits every three years unless they are complying with minimum work requirements for geographic areas of high unemployment or not enough jobs.⁴⁵ South Carolina chose the option to submit to FNS the waiver to exempt all counties with an annual unemployment rate greater than ten percent and all counties identified as labor surplus areas from policy pertaining to individuals identified as ABAWDs.⁴⁶

IV-B. Sanctions Related to Work Requirements

State agencies may also choose to disqualify a whole household for violations of the work rules in some situations. SC DSS will sanction an *individual* recipient who fails to cooperate with SNAP work requirements for one month for the first violation, three months for the second violation, and six months for the third violation. The non-compliant recipient must serve the entire sanction period (unless they become exempt from work registration requirements, at which time the sanction is lifted) and comply with SNAP work requirements before eligibility may be reestablished.⁴⁷ When an individual recipient in SNAP is sanctioned in another means-tested program, such as the Family Independence Program, for failure to comply with that program, the SNAP benefit will not increase as a result of the loss of income from the means-tested program until such time as he complies with Family Independence program requirements.⁴⁸

When a Family Independence household receives a full-family sanction, SC DSS will remove the non-compliant individual causing the sanction from the SNAP budget (unless he is exempt from SNAP work requirements).⁴⁹ Any income he receives will continue to be counted in the SNAP budget. The SNAP benefit paid to the household at the time of the Family Independence case closure will not increase

⁴⁵ 7 C.F.R. § 273.24(f).

⁴⁶ S.C. Code Ann. Regs. 114-1300(G).

⁴⁷ S.C. Code Ann. Regs. 114-1335(A).

⁴⁸ S.C. Code Ann. Regs. 114-1335(B).

⁴⁹ S.C. Code Ann. Regs. 114-1335(C).

as a result of the loss of income from the Family Independence case closure. This process is limited to one year or until such time as the non-compliant individual complies with Family Independence program requirements or becomes exempt from SNAP work requirements, whichever is less.⁵⁰

⁵⁰ *Id.*

V. OPTIONS REGARDING ELECTRONIC BENEFITS TRANSFER

States used to be able to provide paper coupons to recipients, but changes from the 2008 Farm Bill mandated that all states move to the Electronic Benefits Transfer (EBT) system for distribution of SNAP benefits.⁵¹ SC DSS is responsible for the establishment of EBT accounts and transfer of SNAP benefits to the automated EBT system. SC DSS credits EBT accounts based on eligibility data and debits individual EBT accounts based on food purchase transactions performed by eligible households at authorized food retailer sites in the State through an electronic, real time point-of-sale system.⁵² SC DSS also contracts with a financial services company (EBT Contractor) to provide the majority of the State's EBT Services.⁵³

EBT cards are delivered to SC DSS county offices.⁵⁴ SC DSS county offices train eligible households on the EBT system, the use of the EBT card, SNAP benefit availability, Personal Identification Number (PIN) selection and security, and other issues relevant to EBT card usage.⁵⁵ Once the SNAP participant household's program eligibility and benefit levels are established, each SNAP household will go through the following process: 1) be scheduled for EBT training in the SCDSS county office, 2) be present on the scheduled training date for EBT training including viewing of an EBT video, 3) have EBT card issued by SCDSS county staff, 4) independently select a PIN by means of an online Customer Activated PIN Selection (CAPS) device, and 5) if needed, participate in the question and answer phase of training.⁵⁶

SNAP households may obtain an account balance by use of a twenty-four (24) hour a day, seven (7) days a week toll free hotline operated by the EBT contractor.⁵⁷ This number is made available to each household through brochures and other EBT related documents issued at training and it is also shown on the protective sleeve used to place the card in. Additionally, SNAP households can report an EBT card as lost, damaged, or stolen by use of a twenty-four (24) hour a day, seven (7) days a

⁵¹ *The Food, Conservation, and Energy Act of 2008*, Public Law No. 110-246, June 18, 2008.

⁵² S.C. Code Ann. Regs. 114-2730.

⁵³ *Id.*

⁵⁴ S.C. Code Ann. Regs. 114-2740(B).

⁵⁵ S.C. Code Ann. Regs. 114-2740(A).

⁵⁶ S.C. Code Ann. Regs. 114-2750(A)(1).

⁵⁷ S.C. Code Ann. Regs. 114-2750(C)(1).

week toll free hotline operated by the EBT contractor. Such a report will result in a replacement card being available to the household in the SCDSS county office within three (3) work days following the initial report.⁵⁸

⁵⁸ S.C. Code Ann. Regs. 114-2750(C)(2).

VI. OPTIONS FOR SNAP OUTREACH ACTIVITIES

States have the option of conducting outreach activities to encourage potential recipients to apply for SNAP benefits.⁵⁹ In South Carolina, outreach activities will be coordinated by SC DSS through local agencies and organizations within each county.⁶⁰ The purpose of the SNAP Outreach Program is as follows:

- To inform low-income households of the application process and availability of benefits;
- To enlist the cooperation of other agencies and organizations in distributing SNAP program information and in facilitating the participation of eligible benefit groups;
- To identify reasons why eligible households do not participate in SNAP; and
- To plan actions to remove barriers to participation in SNAP.⁶¹

South Carolina DSS's outreach activities are comprised of nutrition education and outreach initiatives.⁶²

⁵⁹ USDA FNS Food Stamp Outreach Webpage - <http://www.fns.usda.gov/fsp/outreach/>.

⁶⁰ S.C. Code Ann. Regs. 114-1380.

⁶¹ *Id.*

⁶² USDA Food and Nutrition Service Food Stamp Program State Options Report, 7th Edition (November 2007) at page 14, available at http://www.fns.usda.gov/fsp/rules/Memo/Support/State_Options/7-State_Options.pdf.

VII. OPTIONS FOR THE SIMPLIFIED SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM FOR TANF HOUSEHOLDS

Under Federal law, states are authorized to use the Simplified Supplemental Nutrition Assistance Program (Simplified SNAP).⁶³ Under Simplified SNAP, states can figure SNAP eligibility and benefit levels for households that receive TANF assistance by using either SNAP rules, TANF rules, or a combination of both.⁶⁴ Even if a state uses Simplified SNAP, some SNAP rules must still be followed. Specifically, the state must follow SNAP rules about how to issue SNAP benefits, rules about fair hearings, rules prohibiting discrimination, rules protecting privacy, and rules prohibiting an increase in SNAP benefits when the TANF benefit is decreased for the violation of a rule. The state must also use the SNAP gross and net income tests and the SNAP maximum allotment levels.⁶⁵

South Carolina has opted to operate a “mini” or limited Simplified SNAP.⁶⁶ This means that DSS has altered its work-related rules from the regular SNAP work-related rules. These rule changes are limited to families receiving both Family Independence (FI) assistance and SNAP benefits.⁶⁷ Under the mini-Simplified SNAP, the value of the FI benefits and the SNAP benefits are combined to determine a work obligation that satisfies the requirement of both programs. SC DSS must make sure that any family that participates in work requirements to comply with FI and/or SNAP work requirements does not work over the maximum hours allowed under the minimum wage requirements of the Fair Labor Standards Act (FLSA) rules.

⁶³ 7 U.S.C. § 2035; 7 C.F.R. § 273.25.

⁶⁴ *Id.*

⁶⁵ S.C. Code Ann. Regs. 114-1300(F).

⁶⁶ USDA Food and Nutrition Service Food Stamp Program State Options Report, 7th Edition (November 2007), available at http://www.fns.usda.gov/fsp/rules/Memo/Support/State_Options/7-State_Options.pdf.

⁶⁷ *Id.* at page 16.

VIII. OPTIONS FOR TRANSITIONAL SNAP FOR TANF PROGRAM LEAVERS

Federal law allows state agencies to provide up to five months of automatic “transitional” SNAP benefits in an amount equal to the amount received by the household prior to TANF termination with adjustments for loss of TANF income.⁶⁸ The federal law limits the circumstances under which these transitional SNAP benefits can be provided.⁶⁹ For example, transitional SNAP benefits cannot be provided to households that, at the time the household leaves TANF, are 1) noncompliant with TANF requirements and SC DSS is imposing a comparable SNAP sanction, 2) households who have violated a SNAP work requirement, 3) households where a member has committed an intentional program violation, or 4) households where the TANF case is being closed because the household failed to comply with SNAP reporting requirements.⁷⁰

At this time, South Carolina DSS does not provide transitional SNAP benefits for households that leave the Family Independence Program.⁷¹

⁶⁸ 7 U.S.C. § 2020(s); 7 C.F.R. § 273.12(f)(4).

⁶⁹ *Id.*

⁷⁰ S.C. Code Ann. Regs. 114-1300(E).

⁷¹ USDA Food and Nutrition Service Food Stamp Program State Options Report, 7th Edition (November 2007), at page 5, available at http://www.fns.usda.gov/fsp/rules/Memo/Support/State_Options/7-State_Options.pdf.

IX. OPTIONS FOR SANCTIONS AGAINST SNAP PARTICIPANTS

Federal law allows for certain sanctions against SNAP participants who do not comply with the program requirements.⁷² SC DSS disqualifications and sanctions include the following:

- SC DSS will sanction an *individual* recipient who fails to cooperate with SNAP work requirements for one month for the first violation, three months for the second violation, and six months for the third violation. The non-compliant recipient must serve the entire sanction period (unless they become exempt from work registration requirements, at which time the sanction is lifted) and comply with SNAP work requirements before eligibility may be reestablished.⁷³
- If an individual recipient in SNAP is sanctioned in another means-tested program, such as the Family Independence Program, for failure to comply with that program, the SNAP benefit will not increase as a result of the loss of income from the means-tested program until such time as he complies with Family Independence program requirements.⁷⁴
- When a Family Independence household receives a *full-family sanction*, SC DSS will remove the non-compliant individual causing the sanction from the SNAP budget (unless he is exempt from SNAP work requirements). Any income he receives will continue to be counted in the SNAP budget. The SNAP benefit paid to the household at the time of the Family Independence case closure will not increase as a result of the loss of income from the Family Independence case closure. This process is limited to one year or until such time as the non-compliant individual complies with Family Independence program requirements or becomes exempt from SNAP work requirements, whichever is less.⁷⁵
- Individuals who are in arrears on court-ordered child support payments are disqualified from SNAP benefits until they either enter into an

⁷² 7 C.F.R. §§ 273.7 and 273.16.

⁷³ S.C. Code Ann. Regs. 114-1335(A).

⁷⁴ S.C. Code Ann. Regs. 114-1335(B).

⁷⁵ S.C. Code Ann. Regs. 114-1335(C).

agreement with the court to make payments which will reduce the arrearage amount or until they are no longer in arrears.⁷⁶

⁷⁶ S.C. Code Ann. Regs. 114-1335(E).