

Part 2

General Eligibility Rules

34 What is a SNAP household or assistance unit?

A SNAP household is an individual, or a group of individuals living together, who receive SNAP together. DTA also uses the term “assistance unit.”

The SNAP rules look at whether people who live together “*customarily purchase and prepare*” food together and consider their income in calculating the household benefits. In some cases, people who don’t typically buy and prepare food together still need to be in the same household. [106 C.M.R. §361.200](#). **Question 35 and 36** discuss who must be included in your SNAP household.

In contrast, needs-based cash assistance programs such as TAFDC, EAEDC and SSI, as well as MassHealth, consider who has a *legal responsibility* of persons who live together: spouses to spouses, parents to minor children. The SNAP rules are different.

This is a fundamental concept of the SNAP program, but it can confuse low-income households and advocates because the household rules are different from other needs-based programs.

35 Can I get benefits separately from other people I live with?

If you *buy and prepare most of your own food separately*, you should qualify for your own SNAP benefits – unless you are required to get SNAP with certain family members. See [106 C.M.R. §361.200](#) The SNAP rules assume that it costs less money for a group of people to share the costs and time of buying and preparing food.

You are not required to store your food separately or to use a different stove or refrigerator. You are not required to have cooking facilities to qualify for SNAP. You can get SNAP if you are homeless.

If you are sharing an apartment with others, you are *not required* to list your roommates on your SNAP application. You do not have to list their names, SSN or other information – *unless* you are buying and preparing most of your food with them. There are exceptions to this household rule if you are living with a spouse, your children under age 22 or your parents if you are under age 22. See **Question 36**.

Even if you have little or no income to buy your own food when you live with others, you can still be a separate SNAP household. Many people get food from food pantries, periodic free meals, or they borrow money for food. This is not questionable. DTA should only ask for proof of your living situation or how you are getting by if the information you provide appears “questionable.” See **Question 17**.

Example 1: Jane and Steve are roommates who share an apartment. Jane recently lost her job and has no income. She started getting food from a local food pantry. Jane and Steve occasionally share a meal together, but most of the time they use their own food to prepare the *majority* of their food separately. Jane and Steve can be separate SNAP households.

Example 2: Sally is a single mother with one child. She is 25 years old and shares an apartment with her older sister, Rhonda. Sally pays half of the rent. She purchases and prepares the majority of her own food for herself and her child. Sally and her child can be a separate SNAP household from Rhonda.

DTA Online Guide: See **Appendix G** for links to the DTA’s BEACON 5 Online Guide for this section.

36 Who cannot be a separate SNAP household?

People who live under the same roof – whether or not related – who *purchase and prepare most of their food together* must be in the same SNAP household. They cannot be separate households.

Additionally, under the federal SNAP rules, some people who live together must be also in the same SNAP household, *even if* they buy and prepare most of their food separately. For example:

- A child under age 22 who lives with their parent(s) or stepparent(s) must be in the same SNAP household as the parent. [106 C.M.R. §361.200\(A\)\(3\)](#).
- A child (other than a foster child) under age 18 who lives with a responsible adult must be in the same household as the adult – regardless of relationship. [106 C.M.R. §361.200\(A\)\(2\)](#). The only exception to this rule is where the adult is not exercising financial support or supervision of that child.
- A married couple who lives together must be in the same household, even if they never share food or meals together. [106 C.M.R. §361.200\(A\)\(1\)](#).

Example 1: Kelly is a single parent, age 20, of a 1-year-old daughter. They live with her parents who work. Kelly receives TAFDC for herself and her baby. However, due to her age, Kelly *cannot* get her own SNAP benefits. She and the baby must be part of her parents' SNAP household if they get SNAP, or she must include her parents in her SNAP application. Kelly and her baby are eligible as a separate SNAP household once she turns 22 - if they purchase and prepare their food separately.

Example 2: Katherine is 65 years of age and receives Social Security. She cares for two grandchildren, ages 8 and 12, and receives child support for them. Katherine *cannot* get separate SNAP benefits for her grandchildren because they are minors, and she provides financial control and supervision for them.

In **joint custody** situations, the parent who exercises most supervision gets SNAP benefits for child, even if the court order awards custody to the other parent; if equal supervision, the parents decide which parent receives SNAP for the child. [DTA Hotline Q&A \(Feb. 2012\)](#).

How SNAP and TAFDC rules differ

Teen parents: Although a teen parent aged 18 or older can get her own TAFDC grant for herself and her baby when living with her parents, the SNAP rules do not allow the teen to get her own SNAP benefits separate from her parents until she turns age 22. If her parents do not wish to apply for SNAP, the teen parent cannot get SNAP separately from them.

Kinship families: A grandparent, stepparent, aunt, or other relative can receive separate TAFDC for a dependent child, without being on the TAFDC grant or having their income count for TAFDC. However, for SNAP, a relative who cares for a child under 18 in the home cannot get separate SNAP for that child. They and their income must be included in a case with the child.

See **Questions 43 and 44** on the option to opt out a foster child or foster adult.

Here's a quick summary of the household composition rules:

Scenario	Separate SNAP Household?
Unrelated persons who purchase and prepare most food separately from each other.	YES
Related persons – other than spouses or parents and children under age 22 – who purchase and prepare most food separately .	YES
Spouses who live together. Unmarried parents of children in common who live together.	NO
Persons under 22 years who live at home with their parents. Children under 18 living with adults who supervise them.	NO

DTA Online Guide: See **Appendix G** for links to the DTA’s BEACON 5 Online Guide for this section.

37 What if I live with others but I have a disability that makes it difficult to prepare my food?

There are *two* options, even if you are unable to prepare your own meals:

Option 1:

If your disability makes you unable to purchase and prepare your own food, you can get SNAP separately from the people you live with – even if they shop and cook food for you.

This option is available provided the *majority* of the food you eat is purchased with *your* income and prepared *for you* separate from the people you live with. However, this option is not available if you live with your spouse or parents (if you are under age 22) and they are doing the cooking and shopping for you.

There are many reasons why people with disabilities might have meals prepared separately. You may have a special diet, eat meals at different times from others, or keep your income and living expenses separate from others. This should not prevent you from getting your own SNAP benefits.

Example: Tom is a 35-year-old disabled adult. He shares an apartment with a roommate, Joe. Because Tom is unable to buy and cook his own food due to his disability, Tom gives Joe money each month to buy his food and Joe prepares it. Sometimes they share a meal, but the majority of the food Tom eats is purchased with his own money and prepared separately. Tom qualifies for his own SNAP household.

Example: Tom is a 15-year-old disabled teenager and gets SSI. He shares an apartment with his dad. His dad uses a portion of his SSI income to buy food for the special diet recommended by his doctor. His dad also makes his food separately because of his strict dietary restrictions. Because Tom is under 22 – even though his dad buys and makes food separately for Tom – Tom does **not** qualify for his own SNAP. Tom and his dad must get SNAP together until Tom is age 22.

Option 2:

If you are 60 or older **and** have a permanent disability, you may be able to get SNAP separately for yourself even though you *share food* bought and cooked with the people you live with. [106 C.M.R. §361.200\(B\)\(4\)](#). To qualify for your own SNAP benefits, you must meet *three criteria*:

- Be severely disabled,
- Be age 60 or older, *and*
- The gross income of the other people you live with must be less than 165% of the federal poverty level (FPL).

If you do not get a benefit based on disability (such as Social Security Disability benefits), to prove your disability you can give DTA a statement from a physician that you cannot purchase food and prepare meals because of your disability. [106 C.M.R. §361.200\(B\)\(4\)\(a\)](#).

If you live with your spouse or your children under 22, they must be part of your separate SNAP household. [106 C.M.R. §361.200\(B\)\(4\)](#).

Example 2: Bertha is a 75-year-old disabled woman. She receives \$1,000 per month in Social Security. Bertha lives with her 40-year-old daughter Mary, and Mary’s two teenage children. Mary’s gross earnings are \$2,500 per month and she purchases and prepares the meals for the entire household, including her mom, Bertha. Since Bertha is *both disabled and over age 59*, she can qualify for a separate SNAP benefit. That’s because Mary’s gross income is below 165% of the federal poverty level for a family of three.

Mary also has the option to apply for SNAP as *a separate SNAP household* with her children. The two separate households will receive more in SNAP benefits than if they were in one SNAP household of four persons.

Note: Households that are caring for frail elders or persons with disabilities and receive *adult foster care payments* can exclude (“opt out”) the foster adult. This excludes the foster care payments as income and can increase the SNAP benefits. [106 C.M.R. §361.240 \(F\)](#). **See Question 44.**

DTA Online Guide: See **Appendix G** for links to the DTA’s BEACON 5 Online Guide for this section.

38 Are there special rules for seniors and persons with disabilities?

If you are an older adult 60 or older or meet the disability rules for SNAP (see **Question 39**) you may benefit from special rules including:

- More of your shelter costs can be deducted. See **Question 81**.
 - You can claim out-of-pocket health care costs. See **Question 76**.
 - You may qualify for some SNAP benefits even if your gross income *exceeds* the 200% gross income test (but you must also meet the SNAP asset test). See **Question 63**.
 - If you are a legal immigrant adult, you may be exempt from the 5-year waiting period for federal SNAP benefits. See **Question 50**.
 - You may be eligible to apply as a separate SNAP household even if you live with others who buy and prepare food for you. See **Question 37**.
 - If you are 60 or older, you can use the DTA Senior Assistance Office for help. See **Question 25**.
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39 How do I show DTA I am disabled?

Under the SNAP rules, you are considered to be disabled if you *receive* any of the following federal, state or private (pension) benefits:

- Supplemental Security Income (SSI) benefits or Social Security Disability benefits,
- DTA cash assistance based on a severe disability,
- Certain disability pensions or railroad retirement benefits,
- Veteran’s disability benefits or benefits for a spouse or children, depending on severity of disability, *or*
- Special MassHealth coverage based on a disability determination, see below).

Cash Assistance Disability Determinations

If you receive EAEDC, in order to meet the SNAP disability criteria, you must meet the SSI standards of disability. To show DTA you are severely disabled and you have applied for or receive EAEDC, DTA will ask you to complete an “EAEDC Medical Provider Statement” form. The form

asks a medical provider to explain if your disability will last for 12 months or more or result in death. If they say yes, then DTA should list you as meeting the SNAP disability criteria in your case record.

If you receive TAFDC cash benefits and are a disabled parent or child who does not receive SSI, contact MLRI at info@masslegalservices.org.

MassHealth Disability Determinations

The MassHealth application asks a question about whether someone has a disability. If you answered “yes” and Social Security hasn’t already decided if you are disabled, MassHealth will mail you a MassHealth Disability Supplement. You need to complete and send it back to the Disability Evaluation Services (DES) for a determination. For help completing the form or for other languages, call the DES Help Line at (888) 497-9890.

You can also download the form from the MassHealth website. For copies of the Supplement including the medical release forms, in English or Spanish, go to: [Mass.gov/lists/masshealth-member-forms](https://www.mass.gov/lists/masshealth-member-forms)

Qualifying for MassHealth on the basis of disability may enable you to qualify for more health care benefits than if not disabled. Having the MassHealth DES disability determination may also allow you to claim your health care expenses and actual shelter costs that can boost your SNAP benefit.

If you are already getting MassHealth and did not answer “Yes” to the disability question at the time you applied, you can report a change at any time by calling MassHealth. If you have an online MassHealth account, you can update your application to indicate you have a disability. Start this process by completing and submitting the disability supplement paperwork as soon as possible. It is possible that DTA may issue you back benefits based on disability.

For more information on the difference between MassHealth Standard and MassCare Plus, see MLRI’s chart describing the programs here: [Masslegalservices.org/content/careplus-table-comparing-benefits-standard](https://www.masslegalservices.org/content/careplus-table-comparing-benefits-standard)

Immigrants and Disability Determinations

Legally present (LPR, parolees, battered) immigrants who are typically subject to the 5-year waiting period can be eligible without the waiting period if they get EAEDC and are severely disabled. DTA uses the information in the “EAEDC Medical Provider Statement” form to verify disability to skip the 5-year bar. See **Question 50**.

DTA Online Guide: See **Appendix G** for links to the DTA’s BEACON 5 Online Guide for this section.

40 What if I am homeless or live in a shelter?

You do not need a permanent address, cooking facilities or a regular place to live to get SNAP. [106 C.M.R.§362.100](#).

- You can get benefits if you live on the street, are staying at a homeless shelter or a shelter for victims of domestic violence. [106 C.M.R.§361.240\(B\)](#).
- You can also get SNAP even if you get free meals at the shelter or soup kitchen/meals program.
- You may also qualify for expedited (emergency) SNAP. See **Question 3**. And the *homeless deduction* should be used to calculate your countable income. See **Question 82**.

If you *do not have an address* where you can regularly pick up mail, you can have mail from DTA sent to a local organization such as a shelter that accepts mail for clients, or to a U.S. Post Office Box. If you have a smart phone or access to a computer and an email address, you can also use DTA Connect to see all the notices and forms DTA sends you. See **Question 23**.

Proof of identity and residence

When you apply, DTA will ask for *proof of your identity*. [106 C.M.R.§361.610\(G\)](#). DTA will also ask for your SSN (you can give it verbally if you know it).

Once DTA verifies your SSN through a data match, your SSN serves as proof of identity. And there are other ways you can prove who you are including a written statement from a staff person at a food pantry, detox program or shelter. [106 C.M.R.§361.640\(B\)](#).

DTA must accept reasonable proof that you are a Massachusetts resident. If you do not have proof because you are homeless or you just moved to Massachusetts, DTA should accept a self-declaration that you are a resident. If you are denied SNAP because DTA says you did not prove you are a Massachusetts resident, contact MLRI at info@masslegalservices.org.

DTA Online Guide: See **Appendix G** for links to the DTA's BEACON 5 Online Guide for this section.

41 Am I eligible for SNAP if I live in a hospital, school, or other institution?

If you are living in a hospital, nursing home, prison or other institution for more than 30 days where you get the *majority of your meals* (more than half), you *do not qualify* for SNAP. Institutions include hospitals, boarding schools, nursing homes, mental health facilities, prisons and similar institutions. [106 C.M.R §361.240\(A\) and \(B\)](#).

However, there are a number of *exceptions* that permit residents of certain institutions to receive SNAP. [106 C.M.R. §361.240\(B\)](#). You may still be eligible for SNAP if you live in the following settings:

- federally subsidized housing for the elderly,
- a group home serving persons with disabilities (less than 16 residents),
- a shelter for homeless individuals or families and shelters for victims of domestic violence,
- a teen parent living program *or*
- a drug or alcohol substance use treatment center (public or nonprofit). See **Question 9**.

Troubleshooting Special Situations:

Home detention: If you are sentenced by a court to “home detention” (for example, you wear an electronic or prison bracelet at home), you are not considered to be living in an institution and should be SNAP eligible. See [DTA Transitions Q and A, pg 2 \(August 2001\)](#).

Battered individuals: If you move to a *Domestic Violence shelter* you can get your own SNAP benefits, even if you are still on the SNAP grant of an abuser you fled from. See [DTA Transitions Hotline Q & A, pg 4 \(July 2000\)](#).

Children in DCF or DYS Custody: You cannot include your children in your SNAP case if they have been placed in the custody of Department of Children and Families (DCF) or Department of Youth Services (DYS) for an extended period (more than 30 days). And, Social Security or other income received for the care of a *child in an institution* is not countable to rest of household. [DTA Transitions Hotline Q&A, pg 4 \(June 2000\)](#).

DTA Online Guide: See **Appendix G** for links to the DTA’s BEACON 5 Online Guide for this section.

42 What if I am a boarder or I live in someone else's home?

If you rent a room in someone else's home and *do not get or pay for meals*, you are considered to be "a roomer." As a roomer, you can apply for SNAP as a separate household, so long as you purchase and prepare the majority of your meals separately from the other people in the house. [106 C.M.R.§361.230\(A\)](#). See **Question 35**.

If you live in someone else's home **and** you pay that person for a room and at least half your weekly meals, you are a "boarder." You are not eligible for SNAP benefits as a separate household. [106 C.M.R.§361.240 \(D\)](#).

If the household where you board is getting SNAP, DTA will either include **or** exclude you and your income in their SNAP benefits based on how much you pay for food. If excluded, DTA will then count what you pay for room and board (after certain deductions) as income to the host household.

If you do *not* pay a "reasonable amount" for meals, you must be included in the SNAP household of the household providing meals. That means your income will be counted in figuring the eligibility of the whole household. [106 C.M.R.§361.240\(D\)](#). A "reasonable amount" is an amount that equals or exceeds the SNAP benefit level for your household size. [106 C.M.R.§361.240\(D\)](#).

Example: Janet and Joe are both age 25 and married. They live with Janet's mother, Fran who receives SNAP. Fran shops and cooks for all of them. Janet & Joe pay Fran \$400/month for food and \$500/month for rent. They are considered "boarders" in Fran's home. Because \$400 is less for food than the maximum SNAP benefit amount for a household of 2, Janet & Joe must be part of Fran's SNAP household and their income counts.

If Janet and Joe started purchasing and preparing most of their food separately - instead of giving Fran money for food - they would not be required to be in Fran's SNAP household. They can apply for and would qualify for their own SNAP benefits, depending on their countable income.

If you are 60 or older and/or disabled and live with others who provide meals for you, see **Question 37**.

43 What if I am caring for a foster child?

In general, children under age 18 and under the supervision of an adult must be part of the adult's SNAP household. However, if you have taken in a foster child, you can choose to *include or exclude* the child from your SNAP household benefits. [106 C.M.R. §361.240\(F\)](#). And you can make this decision any time.

If you exclude your foster child from the SNAP case, the foster care payments and any other income you receive directly for the care of the child, such as child support or SSI, *will not count* as income to your SNAP household. For that reason, it is usually better to exclude the foster child to maximize the SNAP benefits for the rest of the household. However, the foster child cannot get SNAP benefits as a separate SNAP household.

Example: Sam and Susan Smith have two minor children of their own. They also care for a 10-year-old foster child, Jimmy, and receive \$600 per month in foster payments. The Smiths can apply for SNAP for themselves and their two children (a family of four), *excluding* Jimmy in the SNAP household and excluding the foster care payments.

Alternatively, the Smiths can apply for SNAP for a family of five (2 adults, 3 children including Jimmy). In that case, their income plus the foster care payments will be used in the SNAP calculation. However, the amount of their monthly SNAP may be lower if they include the foster child and foster care payments.

For MLRI's Know Your Rights flier go to:

[Masslegalservices.org/content/foster-care-families-and-snap](https://www.masslegalservices.org/content/foster-care-families-and-snap)

DTA Online Guide: See **Appendix G** for links to the DTA's BEACON 5 Online Guide for this section.

44 What if I am providing adult foster care to an older adult or person with disabilities?

Adult Foster Care (AFC) is a special MassHealth program for frail elders and adults with disabilities who cannot live alone. [130 C.M.R. §408.410-438](#). MassHealth pays qualified AFC caregivers to provide in-home care to elder and disabled MassHealth recipients who would otherwise be in a long-term care facility. Sometimes, AFC caregivers may also be low income and qualify for SNAP benefits.

If you are responsible to care for a disabled adult under the Adult Foster Care program, you have the choice to *include or exclude* the adult fostered person from your SNAP household – even if he or she shares all meals with your family. [106 C.M.R. §361.240\(F\)](#).

If you do not include the fostered adult in your SNAP household, *none* of the AFC payments you receive as a caregiver will count toward your SNAP benefits. In addition, none of the income of the disabled adult will count (such as SSI or Social Security). In most cases, caregivers qualify for higher SNAP benefits by excluding the fostered adult.

Example: Frank and Emma Wilson provide adult foster care for Emma’s 88-year-old mother, Margaret, who lives with them. Emma takes care of her daily needs, including all her meals. Frank works part time earning \$1,800/month. The AFC Program pays Emma \$1,500 a month. Margaret also receives \$800 in Social Security. Under the SNAP rules, Frank and Emma can apply for SNAP benefits as a 2-person household, excluding Margaret. By excluding her, her Social Security income and the AFC stipend are also excluded. DTA should only count Frank’s \$1,800 in earned income for a 2-person SNAP household. This is true even though the 3 of them purchase and prepare food together.

Disabled adults under age 22:

If the fostered adult is a disabled adult child under age 22 living with their parent, unfortunately the parents cannot exclude the fostered individual until they turn age 22. The SNAP household composition rules require the under 22 year old to be in their parent’s case. See **Question 36**.

For MLRI’s “Know Your Rights” fliers go to:
[Masslegalservices.org/content/adult-foster-care-and-snap](https://masslegalservices.org/content/adult-foster-care-and-snap)

DTA Online Guide: See **Appendix G** for links to the DTA’s BEACON 5 Online Guide for this section.

45 What if I am a college student?

Special SNAP eligibility rules apply to college students who are between the ages of 18 and 49 and enrolled *half-time or more* in a post-secondary institution (a college that requires students to have a high school diploma or GED to enroll). Most colleges consider half-time as typically two courses, 6 to 11 credits and full-time as typically 12 credits or more.

While the student rules sound complicated, **many students are SNAP eligible in Massachusetts!** You may qualify for SNAP benefits if you are low-income and meet *any* of the following:

- you attend a *Community College*, the *Ben Franklin Cummings Institute of Technology* or *Quincy College* (a municipal college)
- you are enrolled in an *adult career and technical education program* (many offered by Voc/Tech high schools in MA)
- you *receive MASSGrant* as part of your financial aid package
- you have a *work study job* (any hours of work), **or** your college awarded you *work-study* and you have not refused a job offer
- you in a DTA-approved SNAP *education or training activity*, another government agency-sponsored education and training program **or** a non-government on-the-job training program
- you *care for a child living with you* who is under age 6, or a child age 6 to age 12 **and** you are a single parent enrolled full time **or** you lack childcare to both attend school and work part-time
- you receive *TAFDC cash benefits* as a family or a pregnancy,
- you *receive a disability-based benefit* such as Social Security or SSI, EAEDC cash benefits, Veterans benefits or MassHealth as disabled
- you have an *impairment or disability* that impacts your ability to both attend college and work 20 hours/week
- you are enrolled in college through the *Mass Rehab Commission* or a *mental health or substance abuse* rehabilitation program **OR**
- you are *working an average of 20 hours* a week or more, or an average of 80 hours/month.

Part 2 † Application and Proofs

The student eligibility rules are here: [106 C.M.R. §§362.400 through 362.420.](#)

Students on summer break/vacation

You remain SNAP eligible while on summer or vacation break as long as enrolled for the upcoming term. You are no longer considered “*continuously enrolled*” once you graduate, are suspended, expelled, drop out, or you are planning to enroll in college in the coming months but the term has not started yet. [106 C.M.R. §362.420.](#)

Students living with spouse or parents

If you *live with your parents* and you are under age 22, you must be part of their SNAP household, even if you purchase and prepare your own food separately. If you live with your spouse, you must be together in a SNAP household. See **Question 36.**

Students with meal plans

If you *live on campus* and get most (more than 2/3) of your meals through your meal plan, you do *not* qualify for SNAP. However, you may be eligible for SNAP when you are home during summer break, assuming you meet the other student status rules.

Financial aid and loans

The DTA SNAP rules *do not count any financial aid* in calculating your SNAP benefits. This includes federal, state, local and private financial aid. It includes loans, grants, scholarships, stipends and work study.

Verifying college student information

You can tell DTA in writing or verbally (by phone or in person) where you attend school and which of the above rules you meet. DTA should not ask for any proof of your student status unless the information you give them is found “questionable.” (DTA does need proof of countable income. See **Question 17.**

Example: Terry applies for SNAP over the phone with DTA and sends in proof of his identity and MA residency. He tells the worker he is a Roxbury Community College student. DTA accepts his verbal statement and does not ask for any proof documents.

For more information, including Know Your Rights fliers and SNAP outreach fliers and infographics on SNAP for students, see:

[Masslegalservices.org/Food4Students](https://masslegalservices.org/Food4Students)

DTA Online Guide: See **Appendix G** for links to the DTA’s BEACON 5 Online Guide for this section.

46 What if I have a criminal record or DTA says I’m a “fleeing felon” or violating my probation?

A criminal record, including a drug felony conviction, does not bar you from receiving SNAP benefits in Massachusetts. However, you can be barred from SNAP benefits if you:

- are “actively fleeing” prosecution or punishment for a felony, *or*
- violate a condition of probation or parole.

See [106 C.M.R. § 367.800\(D\)](#).

Fleeing felons

In order to bar you from SNAP as a fleeing felon, a law enforcement official must tell DTA of its intent to arrest you (within 20 or 30 days). They must also provide DTA with an outstanding felony arrest warrant for one of the following National Crime Information Center Uniform Offense Classification Codes:

- Escape (4901)
- Flight to avoid (4902), or
- Flight-escape (4999)

See [7 C.F.R. §273.11\(n\)\(1\)\(ii\) and \(3\)\(i\),\(iii\)](#).

Parole/probation violators

To be considered violating probation or parole, law enforcement must be actively seeking to arrest you (within 20 or 30 days) to enforce the conditions of the probation or parole. [7 C.F.R. §273.11\(n\)\(1\)\(ii\) and \(3\)\(i\),\(iii\)](#).

Other SNAP rules:

Timely processing: DTA has to follow SNAP application timeliness standards. If it takes more than 30 days for DTA to verify this, DTA must process your application without taking into consideration fleeing felon or probation/parole violation status.

Treatment of income: If you are barred from SNAP benefits under these rules and you have income, all of your income counts against other members of your SNAP household. See **Question 74**.

House arrest: If you are sentenced to home confinement or home detention (for example, you have an electronic bracelet), you should not be denied SNAP because you are not still incarcerated. See **Question 41**.

Contact Legal Services if you are denied benefits because DTA determined you are a fleeing felon or violating your probation or parole. You can always ask to speak to a Supervisor, call the Ombuds Office or appeal.

DTA Online Guide: See **Appendix G** for links to the DTA’s BEACON 5 Online Guide for this section.

47 Who is considered a United States citizen?

You are a United States citizen if you were *born anywhere in the United States or its territories*, including Puerto Rico, Guam and the U.S. Virgin Islands. You are also a U.S. citizen if you were born in another country and then *naturalized*. See [106 C.M.R. §362.200](#).

You may have “derived” U.S. citizenship if you were born abroad and at least *one of your biological parents* was both a U.S. born citizen at the time of your birth and lived in the U.S. at any time prior to your birth. If *either or both your parents* naturalized to U.S. citizenship before you turned age 18, you may also have derived citizenship. See [106 C.M.R. §362.210](#). Check with an immigration specialist if you think these rules apply to you.

The federal and state SNAP rules allow you to *self-declare your U.S. citizenship*, unless the information you provide is considered “questionable.” See [106 C.M.R. §362.210](#). See **Question 13**. Note, U.S. citizenship of children should not be considered questionable solely because parents are immigrants. See [DTA Transitions Hotline Q&A, pg 3 \(March 2006\)](#).

DTA Online Guide: See **Appendix G** for links to the DTA’s BEACON 5 Online Guide for this section.

48 Am I eligible for SNAP if I am a legal immigrant?

Many legally present immigrants are eligible for federal SNAP and some may be eligible for state-funded SNAP. The federal SNAP eligibility rules for immigrants and refugees are very complicated, but it is important to make sure immigrants eligible for federal SNAP get them wherever possible.

State-funded SNAP: In December 2023 DTA received funding from the MA Legislature to offer state-funded SNAP benefits to many legally present immigrants who did not qualify for federal SNAP. Over 4,400 families were issued state SNAP benefits. Unfortunately the funding was not enough for the current fiscal year (FY24), and DTA ended state SNAP benefits in April 2024. The Feeding Our Neighbors Campaign is continuing to advocate for continuation of this critical benefit. For more information and updates, join the Feeding Our Neighbors Campaign: FeedingOurNeighborsMA.org.

Federal SNAP benefits

If you fall into one of the *three groups* below, you may qualify for *federal* SNAP. See [106 C.M.R. §§362.220-362.240](#). But for some categories of immigrants, you may also need to wait five years for SNAP benefits.

GROUP 1: Immigrants who have fled persecution.

You qualify under the federal SNAP eligibility requirements if you:

- Entered the U.S. as a *refugee*
- Granted *asylum* in the U.S.
- Granted *withholding of deportation* or removal
- A *Cuban/Haitian entrant*—Nationals of Cuba or of Haiti with humanitarian parole, pending applications for asylum or in removal proceedings. Also includes persons granted legal status through special federal laws for Cubans and Haitians.
- A *Vietnamese Amerasian* immigrant (offspring of a U.S. citizen conceived during the Vietnam war),
- A *victim of Trafficking in persons* (slavery or sex trafficking) and has applied for status under a special process with the Department

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of Health and Human Services, **or**

- *Nationals of Iraq, Afghanistan and Ukraine* granted certain legal statuses including Special Immigrant Visas (SIV), Humanitarian Parole or other special categories authorized by Congress.

If your immigration status falls under one of the above, *there is NO five-year waiting period*. That is true even if you got a green card (LPR status) after you had one of these refugee-type statuses.

GROUP 2: Green card holders, parolees and battered immigrants.

You *may* qualify under the federal SNAP rules if you are:

- A *Lawful Permanent Resident* (LPR), often called a “green card holder,”
- Granted *Humanitarian Parole* for 365 days or longer (note special rules for parolees from Cuba, Haiti, Afghanistan, Iraq and Ukraine who are in Group 1), *or*
- *Battered immigrant* who meets the requirements in **Question 51**.

Five year waiting period for Group 2 immigrants:

Unfortunately, under federal law, some of the qualified immigrants listed above may need to wait five years in status to qualify for federal SNAP. The five-year wait starts from the date you entered into “qualified” status, but it includes the time the immigrant had parole or a pending VAWA before getting LPR status.

Exceptions for Group 2: *NO five year wait for:*

- An immigrant child under age 18,
- An immigrant who is blind or has a severe disability *and* is receiving a state or federal disability benefit. See **Question 39**, *or*
- An immigrant with 40 qualifying quarters of work history. See **Question 49**.
- An immigrant from Haiti, Cuba, Iraq, Afghanistan, or Ukraine who was granted humanitarian parole, a Special Immigrant Visa or other special statuses for nationals from these countries (see below).

GROUP 3: Immigrants with other statuses

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You meet the federal SNAP eligibility requirements, without the 5-year waiting period, if you:

- are a *Native American* born in Canada or Mexico (Native Americans born in the U.S. are already U.S. citizens),
- were a *Hmong or Highland Laotian tribe member* during the Vietnam war or are the spouse, surviving spouse or unmarried dependent child of a tribe member, **or**
- are a *veteran of the U.S. military, an active-duty service member*, or the spouse, widow or dependent of a veteran or active duty service member *lawfully residing* in the U.S. (even if not an LPR). See [106 C.M.R. § 362.240\(A\)](#) for a list of immigrants considered to be lawfully residing in the U.S.

Unless you fall within one of the above three groups, you are *not eligible* for federal SNAP. See [106 C.M.R. §362.220\(D\)-\(G\)](#).

You may still file an application for U.S. citizen or qualified immigrant *dependents* who meet the SNAP eligibility rules. Your income will count in determining their benefits, but you will not receive any benefits for yourself.

The following immigrants are not eligible for federal SNAP:

- An LPR (green card holder) who is subject to the 5-year waiting period and is not exempt based on their work history (see **Question 49**) or receipt of a disability-based benefit (see **Question 50**).
- An immigrant who is out-of-status, undocumented or in deportation proceedings,
- An immigrant with a “non-immigrant visa” such as a college student, visitor/tourist, diplomat or business visa.

See **Question 52** for how ineligible immigrant parents can apply for eligible children, and **Question 54** for how income is counted to the rest of the household.

Resources and Troubleshooting Tips:

Immigration documents: For copies of USCIS documents and a key to the immigration codes, see materials from the National Immigration Law Center at NILC.org/issues/economic-support/updatepage/

Cuban and Haitian Nationals: DTA’s Online Guide includes extensive guidance on the SNAP and cash eligibility of Cuban and Haitian entrants.

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See **Appendix G**. Note that Haitians and Cubans with Temporary Protected Status (TPS) may still qualify for SNAP if they entered with or were granted other statuses - even if they have TPS. For information on the range of federal benefits available to Cuban or Haitian nationals, see also US Office of Refugee Resettlement's Fact Sheet, [Benefits for Cuban Haitian Entrants](#). See also US ACF letter on [ORR Services for Cubans and Haitians without Work Authorization, Memo 19-06](#) of 8/19/19.

Afghan and Iraq Special Immigrant Status and Parolees: DTA's Online Guide includes extensive guidance on the SNAP and cash eligibility of Iraq Afghan nationals and their dependents (spouses and children). See **Appendix G**. [See also USDA guidance re Afghan nationals issued October 15, 2021 and updated 1/5/23.](#)

Ukrainian humanitarian parolees: DTA's Online Guide includes extensive guidance on the SNAP and cash eligibility of Ukrainian parolees. See **Appendix G**. Note that Ukrainians paroled into the U.S. on or after February 24, 2022 are also eligible for SNAP and other federal benefits, regardless of the length of their humanitarian parole. [See USDA guidance re Ukraine nationals issued June 7, 2022.](#)

Pending Verification: If DTA has sent a request to USCIS for verification of immigration status, and that request is pending, DTA should issue SNAP benefits for up to 6 months pending the results (if the immigrant meets the other eligibility rules). [7 C.F.R. § 273.2\(f\)\(1\)\(ii\)\(B\)\(3\)](#) and [106 C.M.R. § 362.220\(C\)](#). If your documents are lost or stolen, contact Legal Services or an immigration specialist who can help you get replacement documents from USCIS and also provide an affidavit (sworn statement) on your status.

Expired documents: An expired document does not mean immigrant's legal status has expired. The DTA worker should presume the immigrant may still have current legal status and do SAVE check. [DTA Transitions FYI pg 9 \(Oct. 2007\)](#)

Fixing incorrect immigration information: USCIS has a special process to correct wrong or incomplete information in SAVE. See [USCIS.gov/save](#). You can also check your status here: [USCIS.gov/save/save-casecheck](#). However, you should work with an immigration specialist to correct the information USCIS has on file.

DTA Online Guide: See **Appendix G** for links to the DTA's BEACON 5 Online Guide for this section.

49 How does my work history help so I don't wait five years for SNAP?

LPRs with **40 qualifying quarters (10 years)** of work history can often qualify for *federal* SNAP without the five-year waiting period. [106 C.M.R. § 362.220\(B\)\(7\)\(f\) and \(g\)](#).

You can get work history credit for the following:

- *Work you did in the United States or a U.S territory.*
- *Work in any of 25 foreign countries where the U.S. recognizes work, including Europe, Australia and other countries done after certain dates. See the DTA Online Guide page on LPRs ([Verifying 40 Quarters](#)) for the current list of allowable countries.*
- *Work done by your spouse while married, including work done by a common law spouse even if you were not legally “married” (but you lose your spouse’s quarters upon divorce).*
- *Work done by your parents before you were 18. This includes work done by your parents before you were conceived, born, or adopted – including work done in the US and the approved foreign countries.*

Amount of earnings needed

You can get credit for past work history - even if you did not earn a lot. For example, based on the Social Security Administration’s [quarters of coverage tables](#), you will get credit for 4 quarters if you earned (gross) at least \$6,920 for calendar year 2024. In many cases, you may have worked for just one month and still get the full 4 quarters for that year.

Using spouse or parent work history

As noted above, a SNAP household can use the work history of a spouse or parent to achieve 40 quarters of work history. Here’s two examples:

Example 1: Clara and Jose are LPRs. They both have been working consistently and paying taxes since they arrived in the U.S. Clara has 12 quarters of work (3 years work with 4 quarters in each year) and Jose has 32 quarters of work (8 years with 4 quarters in each year). Clara can count her 12 quarters and her husband’s 32 quarters of work for a total of 42 quarters of work. Jose can claim Clara’s 12 quarters and his own. Clara and Jose are *both* eligible for SNAP; neither need to wait 5 years.

Example 2: Siobhan got her LPR status 2 years ago. Her parents lived and worked in the U.S. for 21 years, including for 10 years

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when Siobhan was a minor living with relatives in Ireland. Siobhan's earnings are up and down, so she applied for SNAP. She can count her own work history for SNAP and her parent's work history before she turned age 18. She qualifies for SNAP through the combination of her and her parent's work quarters from when she was a minor (and also, if needed, before she was born).

NOTE: Claiming the work history of a spouse or parent to qualify for SNAP does not impact their FICA or Social Security. They can still claim all their work history when they file for Social Security benefits.

Earnings while undocumented

Check with an immigration specialist before claiming credit for work done in the U.S. if you - the wage earner - did not have work authorization or a valid SSN. You may be able to correct your earnings record with Social Security if the earnings report is not accurate, but we recommend contacting an advocate to do this.

Restrictions on work history claimed

Under the federal rules, the LPR cannot claim credit for work done after December 31, 1996, if the *wage earner* also received one of the following federal means-tested benefits while working: TAFDC, SNAP, Medicaid (federal MassHealth), or SCHIP (health benefits for children).

If the wage earner got these benefits for an eligible child or spouse - but *did not* receive any benefits for themselves - the wage earner does not lose the right to claim the countable work quarters.

Proving 40 quarters of work history:

Work history can be confirmed through pay stubs, employer statement, union records, W-2, federal or state tax returns, SSA records, proof of self-employment earnings and business expenses, records of employment in other states, or from foreign countries where work history is accepted. Receipt of Social Security survivor's benefits should be sufficient proof of work quarters for SNAP. See [DTA Transitions, Quality Corner, pg 6 \(July 2002\)](#).

DTA may be able to get information about your work history through the SSA Quarters of Coverage History System (QCHS).

If you think your spouse or parent(s) before you turned 18 have work history, tell DTA so they can inquire about this person's work history directly with SSA. To get information about a parent or spouse, DTA should send the Social Security Administration a Request for Quarters of Coverage Based on Relationship form. DTA will ask you for the spouse or parent's name, SSN, date of birth, relationship to you, and which years and

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quarters you are seeking to confirm.

Pending SNAP eligibility:

DTA should issue you SNAP benefits for up to 6 months if you need time to verify work history or while DTA is waiting on a response from SSA. [106 C.M.R. § 362.220\(C\)](#).

DTA Online Guide: See **Appendix G** for links to the DTA's BEACON 5 Online Guide for this section.

50 If I am a disabled immigrant, do I need to wait five years for SNAP?

No. You do not need to wait five years if you are a lawful permanent resident *adult* and you receive a disability-based benefit because of a severe disability. [106 C.M.R. §362.220 \(B\)\(7\)\(e\)](#). This policy also applies to battered immigrants and humanitarian parolees. If you are *under age 18*, you do not need a disability-benefit; there is no 5-year wait.

Question 39 explains the disability rules for SNAP and multiple ways you can qualify as receiving a “disability-based benefit,” including through EAEDC or MassHealth. See **Question 48**.

51 What are the special immigrant rules for battered immigrants?

Immigrants abused by a spouse or parent (and the children or parents of abused immigrants) may be eligible for benefits even if their immigration status is pending. [106 C.M.R. §362.220\(B\)\(8\)](#). You may be eligible if you are no longer living with your abuser, **and** you meet one of the following:

- Your spouse or parent is a U.S. citizen or LPR and filed a relative petition (usually called a USCIS Form I-130) to get you LPR status.
- You have a pending or approved self-petition for legal status as a victim of domestic violence. This is called a VAWA petition (“Violence Against Women Act”) or USCIS Form I-360.
- You have an approved or pending application for “cancellation of removal” or suspension of deportation filed as a victim of domestic violence.
- You are the dependent child of a battered immigrant who has filed for one of the above, even if you are not listed on the petition.

Five-year waiting period

If you are a battered immigrant adult, unfortunately the 5-year waiting period for federal SNAP applies to you. [106 C.M.R. §362.220\(B\)\(8\)](#). But this 5-year rule does not apply to your minor children or you if you receive a disability-based benefit. [106 C.M.R. §362.220\(B\)\(8\)\(e\)](#).

See **Question 50**. See **Question 48**.

Start date of the five-year waiting period

If you are a battered immigrant with a relative visa petition (Form I-130), the 5-year period starts the date the relative petition was filed (or the date that you entered the U.S. after it was filed). If you self-petitioned under VAWA, the start date for the 5-year period is the date that a “prima facie” determination was made by immigration officials for the VAWA petition (Form I-360) and not the date the final VAWA status was granted.

Verifying eligible status

Some battered immigrants may have fled their abuser without documents. If so, DTA should accept a self-declaration from the battered immigrants as proof of filing for legal status while working with the immigrant to verify status. DTA should issue SNAP for up to 6 months if they or the immigrant have asked USCIS for verification of legal status and the request is pending. [106 CMR §362.220\(C\)](#).

Each DTA office has designated Domestic Violence specialists as well as protocol for handling communication with individuals who self-identify as DV victims. They can also help with verification issues. See **Question 32**.

Children of battered immigrants

There is no 5-year waiting period for *immigrant children* who are LPRs, have humanitarian parole status or are dependents of battered immigrants. [106 C.M.R. §362.220\(B\)\(8\)\(e\)\(3\)](#).

If you filed a self-petition under VAWA, it is possible your minor children may not be listed on the notices from the Department of Homeland Security. Most immigrant children have legal protections under the special rules for battered immigrants and other immigration statuses, a concept known as “derived status.” Contact an immigration specialist if this issue comes up.

DTA Online Guide: See **Appendix G** for links to the DTA’s BEACON 5 Online Guide for this section.

52 Can my children get benefits if I am an ineligible immigrant?

You have the right to apply for eligible household members, such as U.S. citizen children and spouses. If you or other household members do not have legal status **or** do not wish to receive SNAP for some reason even though eligible, you can *exclude* yourself from the SNAP application.

When you apply for SNAP or cash, be sure to tell DTA if any member of your household wants to “opt out” of the application. You are not required to give proof of immigration status or supply an SSN for individuals in your household who you are not seeking SNAP for based on their immigration status. [106 C.M.R. §362.220](#).

However, if you are the immigrant parent of a child (or a spouse living in the household) and you are applying for your dependents, you still must give DTA information about your income and expenses. DTA will count your income in calculating the SNAP benefits for dependents.

DTA should only ask for proof of the U.S. citizenship of your children or other eligible household members if their status is “questionable.” [106 C.M.R. §362.210](#). Being a U.S. born child to immigrant parents is not questionable.

Further, receipt of SNAP for eligible dependents does not create “public charge” problems for the immigrant parent. See **Question 53**.

DTA Online Guide: See **Appendix G** for links to the DTA’s BEACON 5 Online Guide for this section

53 Will getting SNAP benefits hurt my immigration status?

NO. It is safe to apply for and get federal or state-funded SNAP for yourself if you are eligible and on behalf of other eligible household members. It is also safe to get cash assistance for eligible dependents, such as your U.S. citizen children.

Public Charge

Sometimes federal immigrant officials ask immigrants applying for Lawful Permanent Resident status or admission to the U.S if they received certain public benefits. Immigration officials ask these questions to decide if an immigrant is likely to become a “public charge” – a determination that the immigrant is not able to support themselves and may rely on certain government benefits. If the immigration authorities determine someone is likely to become a “public charge,” the government can deny an application for lawful permanent residence, or deny admission (entry or reentry) to the United States.

There are only two types of benefits that *may* trigger a “public charge” determination:

- Programs that pay for long-term institutional care such as a nursing home, **and**
- Cash assistance benefits the immigrant receives for themselves, because they have little or no money, such as Supplemental Security Income (SSI), TAFDC and EAEDC. If the immigrant applies for eligible dependents - but not themselves - cash benefits for dependents do not trigger a “public charge” determination. Nor do special cash payments like the tax returns and benefits that are not needs-based, like Unemployment, are not considered for public charge.

In January 2022, the U.S. Department of Agriculture (USDA) and the U.S Citizenship and Immigration Service (USCIS) issued a Joint Letter to all states reiterating that receipt of *non-cash benefits such as SNAP* are not considered for public charge. Joint Letter is [available here: FNS.USDA.gov/snap/joint-letter-public-charge](https://www.fns.usda.gov/snap/joint-letter-public-charge).

In September 2022 the Biden Administration announced updated federal regulations confirming receipt of SNAP and other non- cash benefits does not trigger public charge. See USCIS press statement of [9/8/22 here](#). See more resources below.

Reporting immigrant status information

DTA does not report immigrants to USCIS or Homeland Security. State SNAP agencies can only report immigrants who apply for benefits for themselves and show DTA a “final order of deportation.” See DTA’s longstanding policy in [DTA Transitions FYL, pg 8 \(January 2004\)](#).

State and privacy rules also prohibit state workers from sharing information about your status with immigration authorities, unless you give written permission. The information on your SNAP application is private. [106 C.M.R. §360.400](#).

For more resources:

- Protecting Immigrant Families (PIF) fliers and updates on public charge: [PIFCoalition.org/](#)
- Massachusetts Executive Office of Health and Human Services, [Information about Public Charge and How It Might Affect You](#), updated March 22, 2021
- Mass Law Reform FAQs and updates: [MassLegalServices.org/publiccharge](#).
- Mass Immigrant and Refugee Advocacy Coalition updates and FAQs: [MIRACoalition.org/our-work/public-charge/](#)

DTA Online Guide: See **Appendix G** for links to the DTA’s BEACON 5 Online Guide for this section

54 How does DTA count the income of an ineligible immigrant?

Some ineligible immigrants live with other people who are eligible for SNAP, such as an immigrant parent living with U.S. citizen children. There are *two* different calculations depending on the immigration status:

Households with legally-present but ineligible immigrants

If you are *lawfully residing in the U.S.* but are ineligible for *federal* SNAP benefits – or you choose not to be part of the SNAP household – DTA uses a special calculation to determine the *federal* SNAP benefits for the household. [106 C.M.R §365.520\(B\)\(2\).](#)

DTA’s calculation for households with lawfully present but ineligible immigrants involves *three* steps in which the ineligible but lawfully present immigrant is excluded and included in the calculation to arrive at the correct federal SNAP benefit under [106 C.M.R §364.600\(C\).](#)

Example: Juana is an applicant for political asylum and was granted Employment Authorization. However, Juana is not eligible for federal SNAP until she is approved for asylum. Juana has two children who are both U.S. citizens. She currently earns \$1,250/month gross income and pays \$700 rent, plus heat and cooling costs. Her children have no income. Here’s how DTA calculates her federal SNAP benefits:

- **STEP 1:** DTA calculates SNAP for all household members, including the ineligible immigrant and their income.

DTA calculates the benefits for **three** people, including Juana and her two children. DTA counts all of Juana’s income and allows the income deductions. The SNAP would be \$727/month.

- **STEP 2:** DTA calculates SNAP for the eligible household members **excluding** the ineligible immigrant and their income. If the eligible children have countable income, their income is counted to determine their SNAP benefits.

In Juana’s case, the children have no countable income. The SNAP for 2 persons with no countable income is \$535 a month.

- **STEP 3:** The household is eligible for the SNAP amount that is *lower* between Step 1 and Step 2. The rationale is so that households with ineligible immigrant members do not get more SNAP than if all members were U.S. citizens.

In Juana’s case, the benefit for the children is \$535, the amount in Step-2 - which is less than the \$727 from Step 1.

Households with “undetermined status” members

If you are *undocumented or in an “undetermined” immigrant status*, the SNAP benefit calculation is harsh. DTA will count *all* your income toward the eligible members, *without* considering your needs. [106 C.M.R. §365.520\(A\)](#). This calculation is identical to the calculation for households with a member who is sanctioned due to an Intentional Program Violation. See **Question 74**.

Example: In the case of Juana, above, suppose she does **not** have any proof of legal status. Because Juana has “undetermined status,” DTA will count 100% of her income against a SNAP calculation for the 2 children only. The children will receive only \$496 in SNAP benefits.

55 Does the income of an immigrant’s sponsor count?

If you *receive* financial support directly from the sponsor to pay for living expenses, that money is treated as countable unearned income in calculating your benefits. [106 C.M.R. §363.220\(B\)\(8\)](#).

Example: Johann is an LPR from Germany. Every month his sponsor sends him a \$500 payment. DTA will calculate Johann’s SNAP benefits counting \$500 of unearned income.

The income of someone who “sponsored” you does not count if you are “indigent” (very low-income) and you *do not receive any payments* from the sponsor. “Deeming” is a legal term that means counting income from a third party – such as a sponsor – that you do not actually receive but is assumed to be available.

DTA Online Guide: See **Appendix G** for links to the DTA’s BEACON 5 Online Guide for this section.

56 Are there work rules for SNAP?

Any member of your household who is 16 or older and under 60 years old – and not exempt – must register for work during the SNAP application process. This happens when you sign the application. [106 C.M.R. §362.310](#). SNAP work registration rules are different from the ABAWD time limit rules.

NOTE: The SNAP ABAWD 3-month time limit is not currently in effect in Massachusetts. Stay tuned for updates during 2024.

If you are between 16 and 59 years old, unless you are exempt, you agree when you sign the SNAP application that while you are getting SNAP:

- You will not quit a job where you are working 30 hours a week or more unless you have a good reason (“good cause”).
- If you are working 30 hours or more, you will not reduce your hours to less than 30 hours a week unless you have a good reason.
- If you are offered a job, you must accept it unless you have a good reason to refuse. See **Question 59** on “good cause.”

Sometimes these rules are called the “voluntary quit” rules.

Exemptions from voluntary quit

The SNAP rules provide key exemptions from these rules. [106 C.M.R. §362.310\(C\)](#). These exemptions are relevant if DTA thinks you voluntarily quit while you are on SNAP or when you are applying (see **Question 57**) or reduced your hours, or if you are on strike (see **Question 59**).

The exemptions include if you:

- receive TAFDC or EAEDC benefits,
- are pregnant (in your second or third trimester),
- are physically or mentally unfit for employment,
- earn more than \$217.50 per week (federal minimum wage x 30),
- working 30 hours per week (gainfully employed but making less than \$217.50/week due to self-employment business expenses or other reasonable circumstances),
- are a student enrolled in school at least half-time,
- have applied for or get Unemployment Benefits,

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- care for a child under age 6 or a person with a disability (this person does not need to live with you), or
- are in a substance abuse treatment program.

The voluntary quit rules while getting SNAP

If you are not exempt and you voluntarily quit a job without good cause *after the date you applied* for SNAP benefits, you are ineligible for three months, but the rest of your household is still eligible. [106 C.M.R §367.800\(E\) & \(F\)](#).

Penalties increase for a second and third quit – to six months of ineligibility and twelve months, respectively. On the first quit, if you are the “head of household,” your whole household is ineligible for three months. On the second and third quit, if you are the head of household your whole household is ineligible for six months.

DTA voluntary quit punishments may be more severe than is allowed under the federal SNAP rules. Contact MLRI at info@masslegalservices.org if your SNAP is denied or stopped due to voluntary quit.

DTA Online Guide: See **Appendix G** for links to the DTA’s BEACON 5 Online Guide for this section.

57 What happens if I quit a job shortly before applying for SNAP?

DTA can deny your SNAP application if you are not exempt from the “voluntary quit” rules (see **Question 56**) and you voluntarily quit a job without a good reason. [106 C.M.R. §362.310\(A\)](#)

The voluntary quit rule may apply to you if:

- you are not exempt from the voluntary quit rules (see **Question 56**),
- you quit a job where you were earning \$217.50/week, or you were working 30 or more hours per week and reduced your hours enough that your earnings dropped below \$217.50/week,
- you did not have a good reason for quitting or reducing work hours (see **Question 58**), and
- you are applying for SNAP within 60 days of quitting or reducing your work hours.

These rules do not apply if you ended a self-employment job.

DTA must inform you about your rights and responsibilities when you apply for benefits, [106 C.M.R. §361.550](#), including telling you which household members are subject to the work requirements as well as the penalties for voluntarily quitting a job after you apply for benefits and/or refusing to comply with the work requirements.

Quitting a job before applying for SNAP

If you are the head of household and you voluntarily quit a job within the 60 days before you applied for SNAP with no good reason, DTA’s SNAP rules say that your *entire household* cannot get SNAP benefits for *three* months. [106 C.M.R. §367.800\(E\)](#).

The disqualification penalties increase the second and third times the applicant quits a job without good cause.

This sanction or punishment on the entire household is more severe than is allowed under the federal SNAP rules. Contact MLRI at info@masslegalservices.org if your SNAP is denied due to voluntary quit.

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Example 1: Frank worked for McDonalds until September 30th when he quit over a personal dispute with a co-worker. He applied for SNAP for his family on October 15th. He is subject to the voluntary quit rules. Because he quit his job within 60 days of his SNAP application, DTA says the whole family is ineligible for three months. If he can show he had a good cause reason for quitting his job the family is eligible as of the date he applied (October 15th).

Proof of income ending or termination from a job

Currently, DTA workers should *not* ask for proof of a job that has ended (terminated). DTA should accept verbal or written statements about income that has ended.

The only exception to this policy is when DTA gets conflicting earnings data from a database called Equifax or “The Work Number” that some employers (usually large companies or chains) use to report earnings.

If you need help getting information from a past employer, you can give DTA permission to make a “collateral contact” with the employer directly. See **Question 16 and Appendix C. 106 C.M.R. §361.640(B)**. Contact MLRI at info@masslegalservices.org if you are asked to verify that a job ended.

DTA Online Guide: See **Appendix G** for links to the DTA’s BEACON 5 Online Guide on this section.

58 What is considered a “good cause” reason if I quit my job?

There may be many good reasons why you had to leave a job or reduce your job hours. “Good cause” for quitting a job or decreasing your work hours includes:

- You lack state-standard childcare during the hours of your work, including when you lack special needs childcare for a disabled child.
- You have a family crisis or emergency that you have to deal with during your work hours.
- The employer makes unreasonable work demands, such as not paying you on schedule.

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- Employment becomes unsuitable because it is below the federal or state minimum wage; the work activity discriminates against you on the basis of sex, race, religion, ethnic origin, or physical or mental handicap; there is a strike or lockout; the employment places unreasonable risks on your health or safety; the hours interfere with your religious observances; you are required to travel more than two hours/day or, if walking, to walk more than two miles round-trip.
- If you were working more than 20 hours a week, and, for reasons beyond your control, your employment stops or your wages go down.
- If the amount you are paid in a week equals what you would be paid if you worked at least 20 hours and you were paid the *federal* minimum wage, and, for reasons beyond your control, the employment stops or wages decrease. The federal minimum wage in 2024 is still \$7.25/hour – which means you need to earn \$145 or more per week before taxes.
- You left employment because it was seasonal or migratory, or you are between temporary jobs.
- Acceptance of another job or enrollment in a school or training program requires you to move away or to leave your job.
- You are under age 60 and have resigned from your job but your employer considers it retirement.

See [106 C.M.R. §362.340](#) and the additional good cause provisions in [106 C.M.R. §362.330\(A\)](#).

You don't have to show good cause for leaving a job if you are exempt from the voluntary quit rules. [106 C.M.R. §362.340](#).

Even if not exempt, you do not need to prove “good cause” if you left employment because the employer fired you or asked you to quit, if you reduced your hours of work but did not leave your work, if you stopped a self-employment business or if you quit a job for a new job that fell through. [106 C.M.R. §362.340\(D\)](#).

If you need to show DTA good cause, you need to verify the good cause. For example, give DTA a statement about the emergency situation with the name and phone number of someone who can confirm the information (a “collateral contact”).

If your SNAP is reduced, terminated, or denied due to voluntary quit, contact MLRI at info@masslegalservices.org

DTA Online Guide: See **Appendix G** for links to the DTA’s BEACON Online Guide for this section.

59 What are the rules if I am on strike?

There are negative SNAP rules that affect people who are on strike when they apply for SNAP. Only some strikers are subject to these rules.

You are not subject to the negative SNAP rules if:

- your former boss locked you out or permanently replaced you, *or*
- you are not on strike, but you cannot work because other workers are on strike or because you are afraid to cross a picket line, *or*
- you were “exempt” from the SNAP “voluntary quit” rules on the day before the strike. Common exemptions include if you are 60 or older, care for a young child, or an eligible college student. See **Question 56** for a full list of who is exempt.

If you have to meet the striker rules and are striking when you apply, you cannot get SNAP *unless* your income was low enough before you went on strike that you would have qualified for SNAP.

If your income was low enough to qualify, DTA will count either the value of your current monthly income or the value of your income before you went on strike to calculate the SNAP benefits for your household – whichever income amount is higher. [106 C.M.R §361.240\(E\)\(2\)](#).

DTA Online Guide: See **Appendix G** for links to the DTA’s BEACON Online Guide on this section.

60 What is the “ABAWD” 3-month time limit for certain childless adults?

NOTE: The ABAWD time limit and work-for-food rules are currently not in effect in Massachusetts.

When this rule goes into effect, many childless adults – ages 18 through 52 – may only receive 3 months of SNAP in a 36-month period unless the individual is exempt from or meeting certain work rules. This federal SNAP rule affects individuals determined to be “able-bodied adults without dependents” or “ABAWDs.” See [106 C.M.R. §362.320](#).

You may be exempt from this rule if you have a short- or long-term incapacity or disability, are homeless, living with a child under age 18, are pregnant, attending college as a SNAP-eligible student, used to be in foster care, are a veteran, or meet other exemptions.

If not exempt, ABAWDs are required to work 20 hours a week, be in a training program 20 hours a week, or do a certain number of community service hours to keep their SNAP. **As this Guide goes to print, these rules are not in effect.**

DTA Online Guide: See **Appendix G** for links to the DTA’s BEACON Users Guide for links to this section.

61 Can I enroll in an education or training program through DTA’s “SNAP Path to Work” program?

YES. DTA works with many employment and training providers to offer job search, on-the-job training and training programs for SNAP recipients. These services are offered through DTA’s “SNAP Path to Work” program.

Any SNAP recipient age 16 or older can volunteer for a SNAP ET program. [106 CMR §362.310\(B\)](#). If you are approved, you do not need to pay for the training program. You can enroll and participate for free.

Plus, if you are doing an employment and training program through DTA, DTA will provide money for transportation and connect you to a voucher for free childcare if you have children.

The SNAP Path to Work providers should be able to:

- Help you update your resume,
- Help you develop interview skills or look for work,
- Offer to enroll you in education programs that include English as a second language, Adult Basic Education or GED,
- Offer to enroll you in a community college or other certificate program to help you get a specific skill, and
- Help you build other job skills.

To learn more and find a program, visit SNAPPathToWork.org

DTA Online Guide: See **Appendix G** for links to the DTA’s BEACON Online Guide for this section.

Part 3

Financial Eligibility

62 What is financial eligibility?

You must meet the SNAP *income tests* to get SNAP benefits. There *is no asset test* for most Massachusetts households. See **Question 67**.

There are three basic steps in the SNAP math:

1. Your *countable gross income* must be under the financial limit for your household size.
2. Your *countable net income* is determined after allowing certain deductions for shelter, dependent care and some other expenses.
3. Your *monthly SNAP benefit* is calculated by subtracting 30% of your countable net income from the maximum SNAP benefit for your household size.

The financial eligibility rules are confusing. **Part 3** walks you through the financial rules step-by-step.

Financial Calculation Tools:

- ✓ Check out our on-line and mobile-friendly SNAP calculator at [Masslegalservices.org/SNAPCalculator](https://www.masslegalservices.org/SNAPCalculator). An Excel spreadsheet calculator is also available at that link for quick calculations.
- ✓ For a simple one-page SNAP Worksheet, go to [Appendix A](#).

63 When do assets count?

There is **no** asset test for *most* SNAP households. The majority of states including Massachusetts use a federal option, known as “categorical eligibility,” which allows states to eliminate the SNAP asset test for most households. [106 C.M.R. §§363.110](#) and [365.180](#).

There are *four* situations when DTA will ask about your assets:

- **Expedited benefits:** If you need SNAP benefits quickly, you may qualify if you have less than \$150 in countable income and less than \$100 in *liquid assets* (cash on hand, money in the bank) or if your shelter costs exceed your income and liquid assets. [106 C.M.R. §§365.810](#) and [363.100](#). Having assets does not affect your ongoing SNAP, just your right to get expedited SNAP. See **Question 3** about expedited SNAP.
- **Households with at least one member 60 or older or getting a disability benefit with gross income above 200% FPL:** If you are age 60 or older or disabled **and** your gross income exceeds this level, DTA will ask about assets. Your assets must be **below \$4,250**. Assets include bank accounts, stocks, bonds, real estate other than your home, and some other limited assets. Assets do not include tax-deferred retirement or education accounts, your home or land it sits upon, a car or other excluded items. See [106 C.M.R. §363.130](#) for a list of countable assets
- **Income from assets:** Any income you receive from an asset does count as income, including interest earned on savings and dividends you receive. [106 C.M.R. § 363.220\(B\)\(5\)](#). This also includes withdrawals from your assets on a regular basis (vs one time). If interest is paid quarterly or annually, DTA will average it out over the three, or twelve, months. [106 C.M.R. §364.340](#). DTA may ask for bank statements, tax filings or other proof of the amount of interest or dividends you receive.
- **If you or a household member is disqualified from SNAP** due to an Intentional Program Violation (IPV - fraud). [106 C.M.R. §367.800](#). Households with a member who has been disqualified due to an IPV must have less than **\$2,750** in assets.

Contact MLRI at info@masslegalservices.org if DTA says you are ineligible due to your assets and you think it is a mistake.

DTA Online Guide: See Appendix G for links to the DTA’s BEACON Online Guide for this section.

64 Is there a gross income test for SNAP?

Yes! Most SNAP households need to have gross income under 200% of the federal poverty level. *Gross income* is your monthly income before any taxes or deductions. [106 C.M.R. §364.370](#), [106 C.M.R. §365.180](#).

Household Size	Gross Income Test 200% FPL*
1	\$2,510
2	\$3,407
3	\$4,303
4	\$5,200
5	\$6,097
6	\$6,993
7	\$7,890
8	\$8,787
Each add'l	\$897

*These numbers are effective as of February 1, 2024. For the most up to date numbers, go to: [Masslegalservices.org/content/ma-snap-calculation-worksheet](https://www.masslegalservices.org/content/ma-snap-calculation-worksheet)

1 and 2 person households

All eligible 1 and 2 person households with gross income under 200% FPL will receive at least the minimum SNAP benefit, currently \$23/month. See [106 C.M.R. §364.600\(A\)](#). See **Question 85**.

Households that Pay Child Support

If a household member *pays legally obligated child support* to a child outside the home, the child support is excluded from countable income – meaning it is also excluded in the gross income test. [106 C.M.R. §363.230\(O\)](#). See **Question 78**.

Households with members age 60+ or disabled

There is no gross income test for households that include a member who is 60 or older or who gets a disability-based benefits. However, to qualify for SNAP, the household must meet the *asset test and the net income test*. See **Question 63**. These households must also have very high shelter and/or medical expenses (very low net income) to qualify for any SNAP benefit. There is no minimum SNAP benefit for 1 or 2 person households in this situation.

Households with a member disqualified due to an IPV

If you are a member of a SNAP household where an adult member is disqualified due to an IPV (fraud), the SNAP rules use a lower *130% FPL gross income threshold*. In the SNAP math, the disqualified member is not included in the SNAP household size for the remaining members. However, if the disqualified member has income, their income is included. [7 C.F.R. §273.2\(j\)\(2\)\(vii\)](#). See **Question 74**. In this situation the household is also subject to the asset test. See **Question 63**. **Appendix B** includes the charts for the 130% gross income test.

See [106 C.M.R. §§365.180, 364.976, 364.950](#).

Snapshot of the SNAP income and asset tests

	SNAP Asset Test	Gross Income Test
<i>Family with children, pregnant person</i>	NO	200% FPL
<i>Persons age 18-60, no kids, not disabled</i>	NO	200% FPL
<i>Household with member 60+ or disabled, gross income < 200% FPL</i>	NO	NO
<i>Household with member 60+ or disabled, gross income > 200% FPL**</i>	YES	NO
<i>Household member disqualified due to IPV</i>	YES	130% FPL

** Note, household’s net income must be low enough to qualify for a benefit. Households above 200% FPL gross income do not qualify for the \$23 minimum benefit.

DTA Online Guide: See **Appendix G** for links to the DTA’s BEACON Online Guide for this section.

65 What income is not counted?

DTA looks at total monthly income to decide if you are eligible for SNAP benefits and how much you will get—*but not all income counts*. [106 C.M.R. §§ 363.220\(C\), 363.230](#).

Here are examples of income that *does not count* for SNAP:

- Child Tax Credit, Earned Income Tax Credits, and other federal and state tax refunds/tax payments.
- Non-recurring, one-time lump sum payments such as insurance settlements or back benefits from other programs. [106 C.M.R. §§ 363.130\(D\), 363.230\(I\), 363.140\(H\)\(6\)](#). Other examples include inheritances, tax credits, damage awards, and one-time severance pay.
- VISTA, YouthBuild, AmeriCorps, and Foster Grandparent allowances, earnings, or payments for persons otherwise eligible.
- Legally obligated child support payments that you pay for a child who is living outside your home. See **Question 78**.
- Universal Basic Income (UBI) pilot program payments funded (fully or in-part) by a private or nonprofit organization. See the DTA Online Guide for a full list.
- Reimbursements – money you get to pay you back for expenses, including training-related expenses and medical expenses. Payment received for certain DTA Employment and Training programs is non-countable as a reimbursement payment.
- Anything you do not get as cash – such as free housing or food, or money that is paid directly to a landlord or utility company made by a relative, friend or agency that has no legal obligation to do so.
- Senior Community Service Employment Program (SCSEP) stipends paid to older workers doing part time community service work.
- Cash contributions given to you that provide for *part* of your housing, food or other needs that are paid by a person or agency that has no legal obligation to do so. See **Question 66**.
- Veterans Services ([M.G.L. c. 115](#)) payments made by vendor payment directly to your landlord or utility company.
- Money earned by a child under age 18 who is attending high school or

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elementary school, provided the child lives with a parent or other responsible adult.

- Up to \$30 per household member in a three-month period that is not regular (such as money from odd jobs).
- Up to \$300 in a three-month period from private charities.
- All financial aid - federal, state and local and private - to college students. This includes grants, loans, scholarships, work-study, assistantships and fellowships. See **Question 45**.
- Loans from private individuals and financial institutions, including loans on the equity of a home (reverse mortgages). See **Question 66**.
- The first \$130 per month in training stipends.
- Combat pay earned by a service member while they are actively serving in a federally-designated combat zone.
- Federal Emergency Management Administration (FEMA) financial assistance for COVID-19-related funeral expenses incurred after January 20, 2020.

Verification of non-countable income

The SNAP regulations state that you do not need to verify non-countable income unless the information you provide is inconsistent or questionable. See [106 C.M.R. §§ 361.610\(A\), §§ 361.610\(K\), 363.210\(D\)](#). See **Question 17** regarding when something is considered “questionable.”

DTA Online Guide: See **Appendix G** for links to the DTA’s BEACON Online Guide for this section.

66 Does DTA count gifts or contributions?

If you get regular gifts from non-legally responsible friends or relatives (such as your parents if you are over 18, or your aunts and uncles), these gifts do NOT count as income as long as the money is designated for a *specific living expense* and *does not exceed the amount of the expense*. Living expenses include but are not limited to: rent, mortgage, fuel, utilities, food, child care, car payments or car insurance, clothing or toiletries, or transportation. [106 CMR §363.230\(A\)](#).

But, unlike loans you plan to repay, DTA may calculate your deductible expenses at a lower amount if the gift lowers the amount you are responsible to pay for shelter, dependent care, or medical costs.

Contributions made for a portion of other basic living needs – such as

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transportation or toiletries – also do not count (and do not lower your deductible costs).

Example 1: Jill’s rent is \$1,200 per month. Jill explains that her aunt regularly gives her \$400 per month toward her rent. DTA does not count the \$400 as income, but DTA calculates Jill’s rent at \$800/month in determining her SNAP benefits. This reduces her shelter cost deduction.

Example 2: Jeff’s work hours were cut. His cousin gives him \$200 per month to help pay for his car payment and insurance. He needs his car to get to work. Jeff’s rent is \$900 per month. DTA does not count the \$200 as income. DTA does not decrease his shelter costs because the contribution is for Jeff’s car costs and not his rent.

Verifying contributions

DTA policy states that households who get a cash gift from non-legally responsible persons must provide proof of the contribution, including information on who the payments are made to, the amounts, what the payments are intended to cover, and how often the payments are made.

DTA must accept the *best evidence available* if the person making the contribution is unwilling or unable to make a statement about the gift. See **Question 16**.

There are many situations where you may not be able to get this verification. For example:

- You are concerned that asking for proof from the friend or relative will cause the person to stop gifting you money.
- The friend or relative is unwilling to go on record with DTA about the money they give you.

If you cannot get a letter from the person giving you the money – for whatever reason – explain this to DTA in writing. In your statement, you can explain what the payments are for, and how often you get them. If DTA denies or terminates your benefits due to a contribution issue, you can ask to speak to a Supervisor, the DTA Ombuds Office, or file an appeal.

If the money you receive from others is considered a loan, be sure to clarify that you plan to pay back the money with DTA. Loans are non-countable income. [106 C.M.R. §363.230\(E\)](#). DTA may require verification in the form of a statement signed by the lender and the recipient indicating the payment is a loan and must be repaid. If the loan is recurring, DTA may ask for an affidavit from the loan provider regarding repayment details.

DTA Online Guide Section: See **Appendix G** for links to the DTA’s BEACON Online Guide for this section.

67 What is earned income?

Most earned income is countable income for SNAP purposes. [106 C.M.R. §363.220 \(A\)](#). Earned income includes:

- Gross earnings from wages and salaries, including earnings diverted or garnished by an employer for a specific expense. [106 C.M.R. §363.220\(C\)](#). This includes short-term disability payments from your employer if you are still an employee.
- Gross earnings from self-employment after allowable business expenses (business expenses do not include personal income taxes or FICA). **See Question 69.**
- Income from boarders (persons who get a room and meals from you) after subtracting the cost of doing business, as long as the boarder is not part of the SNAP household. [106 C.M.R. §365.200](#). **See Question 42.**
- Income from rental property minus business expenses, provided you or a household member manages the property for at least 20 hours per week. [106 C.M.R. §365.930\(A\)](#). **See Question 71.**

Gross income is your earnings *before* taxes, FICA or other mandatory payroll deductions.

Gross income does **not** include the value of employee “credits” for employee benefits such as health insurance that cannot be taken as cash by the employee. **See Question 65.** Gross income also does not include legally obligated child support paid by a noncustodial parent when it is verified. **See Question 78.**

Examples of non-countable earnings

- Earnings of a dependent child under age 18 who attends school is *not countable* income. [106 C.M.R. §363.230 \(H\)](#).
- Work study and college or graduate assistantships are not countable. **See Question 45.**
- Stipends paid to otherwise eligible AmeriCorps, VISTA, Youthbuild, Senior Community Service Employment Program (SCSEP) and others doing service work count. **See Question 65.**

DTA Online Guide: See **Appendix G** for links to the DTA’s BEACON Online Guide for this section.

68 How does DTA double-check income and other information?

Like all states, DTA uses different government and private company computer matches to find unreported income and check other information.

If DTA finds out information about your household that they think you did not report, they may contact you for more information. If you were required to report income or other information at a specific time and you failed to do so, DTA may pursue an overpayment in your case. It is also possible you could be disqualified (cut off for a period of time), if a hearing officer decides you *intentionally* lied in order to get SNAP. See **Question 116**.

Most SNAP households are not required to report any changes (such as a new job) until the Interim Report or Recertification unless the household's gross income exceeds the gross income test for the household size. See **Question 96**.

When DTA gets information directly from certain agencies or programs, DTA may be able to act on the information it gets from these sources without contacting you. In other cases, it cannot act on information it gets until your Interim Report or Recertification. See **Question 100**.

DTA Online Guide: See **Appendix G** for links to the DTA's BEACON Online Guide for this section.

69 How is self-employment income counted?

Self-employment income is calculated by subtracting the cost of doing business from the gross income or “profit” from the business, but before subtracting FICA or income taxes.

You may be self-employed if you have your own business or you provide services as a contractor or sub-contractor (such as childcare, carpentry, IT, plumbing, taxi services, or snow plowing). Most “gig economy” workers – including Uber, Lyft, TaskRabbit and Uber Eats -- are also self-employed as “independent contractors.”

Self-employed workers often underreport their costs of doing business.

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Identifying all your business expenses can make a big difference in both qualifying you for SNAP if your pre-tax net income is below 200% FPL, as well as lowering your countable net income to boost your SNAP benefits.

Examples of self-employment business expenses

- use of your own car, or leasing a car (for example as a driver for Uber or Lyft) and all the costs associated with running that car and giving rides (insurance, excise taxes, gas, repairs, your cell phone, etc.)
- rent and utilities you pay for your business space (including a portion of the costs of your home if you have an at-home business)
- rental, repair and replacement of equipment (such as a taxi, tractor, boat, or beauty salon equipment)
- costs of supplies (such as food, diapers or toys provided in a day care setting, housekeeping equipment, products for a beauty salon, etc.)
- wages you pay to other employees who work for you
- stock or inventory, raw materials used to make a product, including seed, fertilizer, supplies for crafts or furniture building
- mortgage (including the principal and interest), and taxes paid on income-producing property
- legal and accounting fees, licenses (such as a day care license) and permits to operate the business
- telephone and internet expenses, advertisement costs, computers, postage, paper and other business supplies.

See [106 C.M.R. § 365.940](#). If you verify these expenses, DTA should allow them as part of the costs of doing business in calculating your countable gross income *before* the 20% earned income deduction.

Example: Jason is an Uber driver. He pays \$500/month to lease the car plus insurance, gas and cell phone service to get customers and report rides. These are pre-tax deductible expenses.

Example: Karla sells cosmetics from her home, buying the product directly from the manufacturer. She can deduct from her gross income the cost of the cosmetics as well as costs involved in reaching customers (phone, mailing costs, website, advertising).

Example: Sarah provides day care in her apartment. She pays more for oil and electricity to heat her home than she would otherwise use. Sarah also buys food for snacks and diapers and pays for a day care license. A portion of her heat/utility costs can be claimed as a business expense, as well as the cost of snacks, license and other supplies for her business.

You can also claim business expenses incurred setting up your business *before* you applied for SNAP benefits. [106 C.M.R. §365.030\(B\)](#). However,

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you cannot claim net losses on your business. And you cannot claim the money you set aside for income tax or retirement funds (these expenses are considered part of the 20% earnings disregard). [106 C.M.R. §365.950](#).

Rental income is treated as unearned income unless you spend least 20 hours a week managing the property. [106 C.M.R. §§363.220\(B\)\(6\)](#), and [365.930\(A\)](#). See **Question 71**.

Averaging self-employment income

Self-employment is usually averaged over a 12-month period *unless* the income is intended for a shorter period (for example, summer income). Tell DTA if you wish to have the income cover a shorter period of time because of anticipated changes. [106 C.M.R. §§364.340\(B\)](#), [365.960](#).

After DTA determines your pre-tax “gross” monthly self-employment income after pre-tax business expenses, DTA deducts 20% of that gross income as an earnings disregard—just like if you had regular wages or employment. [106 C.M.R. §364.400\(B\)](#).

Example: Millie netted \$10,000 last year from her taxi service after her business expenses (insurance, gas, taxi medallion, maintenance, monthly loan repayment on vehicle). She does not expect her pre-tax net income to change this year. DTA should average this \$10,000 over 12 months to get a monthly figure of \$833/month. DTA then subtracts the 20% disregard from the \$833/month, which reduces her countable earned income to \$667 per month.

Verifying self-employment income

DTA may ask for a copy of your “Schedule C” tax record or a statement from an accountant. If you have not made enough to file taxes or done a recent quarterly tax filing, or do not have an accountant, you can verify your income based on the best information available. That may include as a self-declaration of your income. [106 C.M.R. § 363.210\(G\)](#).

For example, DTA should accept a statement explaining profits and losses (business expenses) if you do not have a recent Schedule C or the Schedule C reflects out of date income. You can sign and date this statement and are not required to submit additional proofs unless DTA has questions about the information provided.

DTA Online Guide Sections: See **Appendix G** for links to the DTA’s BEACON Online Guide for this section.

70 What is unearned income?

Most sources of unearned income are counted in calculating your SNAP benefits. [106 C.M.R. §363.220\(B\)](#).

Countable unearned income includes:

- Needs-based cash assistance including TAFDC, EAEDC, SSI and Veterans Services (Chapter 115) benefits. [106 C.M.R. §363.220\(B\)\(1\)](#). Chapter 115 benefits are non-countable when the benefit is paid directly to a third party (such as landlord) by the Veterans Services Officer.
- Cash benefits based on past earnings or service, including Unemployment Insurance, Workers Compensation, Social Security, federal Veteran's benefits, and other pension benefits. [106 C.M.R. §363.220\(B\)\(2\)](#).
- Foster care payments received for a child or disabled adult who is *included* in the SNAP household. These are *not* countable if you choose to exclude the foster child or adult from your SNAP household. [106 C.M.R. §§361.240\(F\)](#). [363.220\(B\)\(3\)](#). See **Questions 43 and 44**.
- Child support and any income from trusts, alimony or other sources paid directly to you. Child support payments made to TAFDC recipients that must be assigned to the Department of Revenue (DOR) are *not* countable, even if erroneously received by the TAFDC household. [106 C.M.R. §§363.220\(B\)\(4\)](#), [\(C\)\(6\)](#).
- Interest payments, dividends, royalties paid from your assets, or other direct money payments or regular pension withdrawals. [106 C.M.R. §363.220\(B\)\(5\)](#). These monies still count as income, even though the assets themselves do not count. Capital gains from the sale of personal assets are usually excluded as nonrecurring lump sum income.
- TAFDC or EAEDC benefits diverted to a landlord or other third party vendor payments. [106 C.M.R. §§363.220\(C\)\(2\)](#), [\(C\)\(3\)](#).
- The portion of a TAFDC, EAEDC or SSI grant that is not being paid to the household because an individual who is part of the SNAP case was disqualified or is repaying an overpayment due to an *intentional failure to comply with requirements* of these programs. See **Question 116**.

Verification of unearned income

DTA typically uses government databases to verify Social Security Retirement or Disability Insurance (RSDI), Supplemental Security Income (SSI), MA Unemployment Benefits and child support that is paid to a family through the Department of Revenue (DOR).

DTA should use these databases to verify unearned income. DTA should not ask you for a written statement about the benefit amount *unless* there is a discrepancy between what you reported and what the databases say. See **Question 100**.

DTA Online Guide: See **Appendix G** for links to the DTA's BEACON Online Guide for this section.

71 How is rental income treated?

The net amount of rental income you receive – *after* the costs of homeownership or lease of a building – is countable unearned income. It is earned income only if you spend more than 20 hours a week managing and maintaining property. [106 C.M.R. §365.930\(A\)](#), [106 C.M.R. §363.220\(B\)\(6\)](#).

Homeownership costs include what you pay on a mortgage (principal and interest), homeowner's insurance, property taxes, water and sewer charges, repairs, trash collection, utilities shared by the entire home, etc. [106 C.M.R. §365.930\(A\)\(1\)](#), [106 C.M.R. §365.940](#).

If you own your home and rent out a room or apartment, you can deduct a *pro rata* (proportional) share of the mortgage and homeownership costs from the rental income. The rest will be counted as unearned income.

Example: Verdina rents out two units in the triple-decker house she bought in the 1970s. The tenants pay their own utilities. She receives \$1,200 a month for each unit and pays \$3,000 a month to the bank for mortgage, interest and insurance on the building. Verdina also pays \$300 in water/sewer and trash collection for a total of \$3,300 in monthly expenses. She can deduct two-thirds (or \$2,200) of the monthly homeownership expenses from her rental income (for the two units she rents) to determine the countable rental income for SNAP purposes. Verdina has only \$200 in countable rental income and not \$2,400.

If you are the primary tenant of an apartment (versus a homeowner) and you are subletting rooms to others, it is best if each tenant makes a payment to the landlord directly. This can avoid errors in SNAP calculations and erroneous counting of income if you are merely passing through rental income to the landowner.

DTA Online Guide Sections: See **Appendix G** for links to the DTA’s BEACON Online Guide for this section.

72 How does DTA calculate my income for each month?

Your SNAP monthly benefit amount is based on how much income you and the worker are “reasonably certain” you will receive for the period you are on benefits (your certification period). [106 C.M.R. §364.310](#).

If you have earned income, DTA will ask for proof of earnings for the 4-week period prior to the date you applied for SNAP. If you cannot get wage information from your employer and need DTA to help, see **Question 16**.

The 4.333 rule

DTA calculates your monthly income by multiplying the most recent average weekly income by 4.333 to get a monthly amount (by 2.167 for bi-weekly amounts). [106 C.M.R. §364.340](#).

Example: Judy received the following gross pay the past 4 weeks: \$200, \$224, \$150, and \$250 – which totals \$824. The *average* of these 4 weeks is \$206/ week. DTA then multiplies this average amount of \$206 by 4.333 to get a monthly gross income of \$893.

Terminated income

If you are no longer working at your old job, the income from the last job should *not be counted* in calculating your SNAP benefits. The same is true if other earned or unearned income stops. DTA should calculate your financial eligibility based on your “anticipated” or future expected income (see below). [106 C.M.R. §364.310](#).

It is possible DTA will count some income from the job that ended for the first month of if you received the final paycheck within the cyclical month of your application. [106 C.M.R. §365.840](#), [§364.110](#). See **Question 57**.

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Anticipated income

Income from a *new* job, from Unemployment benefits, or from other income source should also not be counted *until* you and DTA are certain when you will get paid and how much. [106 C.M.R. §§364.310, 364.320](#).

If you do not anticipate receipt of the income in the first 30 days of your certification period, it should *not* count until the next Interim Report or Recertification is due (unless you are otherwise required to report it. See **Question 95**).

Income of school employees

If you are a school employee who is not paid year-round, DTA will average out your income over 12 months if you meet all of the following:

- You work under a renewable annual contract,
- You have written reasonable assurance of employment for the upcoming academic year, **and**
- You are salaried (not paid on an hourly basis).

Otherwise, if you would like DTA to average your income out over 12 months, you can ask DTA to do that. However, it is often advantageous not to average your income out over a year and instead adjust your SNAP in the months you are not paid (e.g. summer vacation). Contact an advocate if you need advice.

DTA Online Guide: See **Appendix G** for links to the DTA's BEACON Online Guide for this section.

73 Does DTA count money that is withheld or garnished from my cash benefits?

DTA sometimes count money you do not get as income, including:

- Money taken from your *TAFDC* or *EAEDC* benefit because of an *intentional failure* on your part to comply with the rules of that program is counted as if it were still paid in calculating your SNAP benefits. This includes when your cash benefits are reduced if DTA decides you failed to comply with the TAFDC work rules, teen parent school attendance rule, Learnfare rule, child support requirements, etc.

Example: Randy currently receives \$486/month in TAFDC for her child. She was getting \$648 but DTA reduced the benefits by 25% because DTA determined that Randy failed to cooperate with the child support rules without good cause. DTA will calculate the SNAP benefits as if Randy receives the full TAFDC grant of \$648.

- Money taken out of your *TAFDC*, *EAEDC*, *Supplemental Security Income* (SSI) cash benefits or the Massachusetts *Veterans Services* program due to an Intentional Program Violation (fraud) is counted in calculating your SNAP benefits. [106 C.M.R. §363.220\(C\)\(4\)](#).

If the money is being taken out to repay a non-fraud overpayment, it is not countable income. [106 C.M.R. §363.220\(C\)\(4\)](#). And DTA cannot count needs-based benefits you don't receive unless there is a finding that you intentionally failed to comply with program requirements resulting in the benefit reduction. [7 C.F.R. §273.11\(j\)](#).

- Money legally owed to you that is paid to a third party **does count** as income to you. For example, if you ask your boss to pay your rent directly from your paycheck, the money will still count. But if your boss pays you your regular salary **and** pays your rent as a gift, the rent payment does not count as income. [106 C.M.R. § 363.220\(C\)\(3\)](#).
- If part of your TAFDC or EAEDC grant is sent to your landlord or utility company as a “vendor payment,” that money is countable income for SNAP. [106 C.M.R. § 363.220 \(C\)\(2\)](#), [\(C\)\(3\)](#).
- Money garnished from (taken out of) your Social Security benefits (RSDI) may count for SNAP, depending on the reason for the garnishment. See the chart below.

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Social Security Benefits (RSDI): Garnishment	
Reason money is taken out	What does this mean for SNAP?
Owed child support	Does not count as income. See Question 78 .
Medicare Part B or D, or private insurance	Counts as income. Should count as a medical expense deduction. See Question 76 . DTA automatically gets proof of Medicare Part B.
RSDI overpayment	Does not count as income.
Unintentional SSI overpayment	Does not count as income.
Intentional SSI overpayment	Counts as income.
Unpaid taxes, alimony, or student loans.	Counts as income.

Troubleshooting tips:

- Money that is taken out of your EAEDC, TAFDC, SSI or other *needs-based benefit* to pay back an overpayment can only be counted as income if you were found guilty of an IPV/fraud by a court of law or hearing officer. [106 C.M.R. § 363.220\(C\)\(4\)](#). DTA is required to contact the agency that administers the benefits (e.g. SSA) to confirm a formal finding of fraud as the basis of the overpayment, not the SNAP recipient.
- Monies recovered from federal Veterans Administration (VA) benefits are not countable because the VA benefits are not a “public or general assistance program.”
- Money paid to a third party that is *not legally owed* to you does not count. For example, if a family member, friend or an organization, pays your landlord part of your rent, the payment is not countable. [106 C.M.R. § 363.230\(B\)](#).
- Money that is paid to others on your behalf – but you do not have legal control over it – does not count. [106 C.M.R. § 363.230\(B\)\(4\)\(b\)](#). For example, if the court orders an absent parent to pay \$600 per month for child support and pay \$500 per month to a bank for the mortgage on jointly held property, the \$500/month does not count as income.
- If your Social Security benefits are being garnished to repay a debt you owe, contact Legal Services. There may be options to reduce or

eliminate the monthly garnishment.

DTA Online Guide: See **Appendix G** for links to the DTA’s BEACON Online Guide for this section.

74 How does DTA count the income of someone not eligible in my SNAP household?

If you share living quarters with friends or relatives – and you purchase and prepare the majority of your meals separately – the income of these individuals does not count. [106 C.M.R. §363.230\(L\)](#).

However, if you live with someone who is *required* to be part of your SNAP household but is ineligible, there are rules about how their income is handled.

The treatment of their income depends on the reason the person is not eligible:

- An intentional program violation (IPV) or fraud, see **Question 116**.
- A disqualifying criminal record (fleeing felon), see **Question 46**.
- A voluntary quit from work or a strike, see **Question 57 and 59**.
- Undetermined or undocumented immigration status, see **Question 54**. To determine how SNAP treats the income of ineligible immigrant household members, see **Question 54**.
- A household member who fails or refuses to give his or her SSN for reasons other than non-citizen status should have a pro-rated share of their income applied to the rest of the household. DTA currently fails to do this. Contact info@masslegalservices.org.
- Income of an individual terminated due to the 3-month ABAWD time limit must be pro-rated against the rest of the household. **The 3-month time limit is not currently in effect.**
- Any income of an ineligible college student is not counted. See **Question 45**.
- Income of individuals in adult foster care can be excluded. See **Question 44**.
- Income of foster care children can be excluded. See **Question 43**.

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See [106 C.M.R. §361.230\(D\)](#) and [7 CFR 273.11\(c\)](#).

If someone is sanctioned due to an IPV, the rules require DTA to count the disqualified person's income and apply an asset test and the *lower* (130% FPL) gross income eligibility test. See **Question 63**.

In addition, the rules require DTA *to exclude* the disqualified person in the household size. [106 C.M.R. §365.520\(A\)\(4\)](#).

Example: Mark, Sarah and their two children reapplied for SNAP recently. Mark was disqualified in September for 12 months after a hearing officer ruled that he had committed an Intentional Program Violation (IPV). Mark is now working 20 hours a week and the family reapplied for SNAP. Mark is not eligible for SNAP until his 12-month disqualification period ends at the end of August.

As a household with a disqualified member, the household's income (including Mark's) must fall under the lower 130% FPL gross income limit for *three* people (his wife and 2 children). Further, the family's SNAP benefit amount is calculated for a household of 3 (not 4). Mark is excluded from the SNAP household size until the 12-month sanction period expires, but his income counts in the SNAP math.

Note: As soon as the IPV sanction period ends, DTA should use the 200% FPL gross income test (versus 130% FPL) and increase the SNAP benefit to include the formerly disqualified household member in the household size. Be sure to check the accuracy and duration of any IPV disqualification.

75 What deductions are allowed against my income?

The following deductions are allowed for all households depending on living situation and expenses:

- 20 percent of gross earned income. [106 C.M.R. §364.400\(B\)](#).

Legally obligated child support paid to children outside the home does not count as income – but if it’s paid out of earnings, it is included in the calculation of the 20% earned income deduction. See **Question 78**.

- Self-employment business expenses. [106 C.M.R. §365.940](#). See **Question 69**.
- A standard deduction based on household size: [106 C.M.R. §364.400\(A\)](#).

Standard Deduction	
\$198	Household of 1-3 persons
\$208	Household of 4 persons
\$244	Household of 5 persons
\$279	Household of 6 or more persons

- A childcare or disabled adult care deduction if you are working, looking for work, or in school or training. [106 C.M.R. §364.400\(D\)](#). See **Question 79** describing the range of allowable expenses.
- A shelter deduction **capped** at \$672/month for households that *do not* include an elderly or disabled member. For households with an elderly or disabled member, the shelter deduction is **un-capped**. [106 C.M.R. §364.400\(G\)](#). See **Question 81**.
- A homeless shelter deduction of \$180/month if homeless with no shelter costs. [106 C.M.R. §364.400\(F\)](#). See **Question 82**.

The result is your *monthly net income*. Your benefits are based on this amount. An additional *medical expense deduction* is available to elder and disabled households. See **Question 76**.

76 What medical expenses can I claim if I am elderly or disabled?

Any member of your household who is elder (age 60 or older) or disabled is allowed to claim un-reimbursed medical and health-related expenses as an income deduction. This applies to disabled children as well as adults. *Medical expenses to qualify for the standard medical deduction can be self-declared!*

The more expenses you claim, the lower your *net countable income*. The lower your countable income, the higher the SNAP benefits your household will receive – up to the maximum SNAP amount for your household.

There are *two ways* SNAP handles un-reimbursed medical expenses. [106 C.M.R. §364.400\(C\)](#).

- ☞ **Standard medical deduction of \$155:** If your out-of-pocket medical expenses are at least \$35 a month, you will receive a standard deduction of \$155 off of your monthly income. You can *self-declare* your health care expenses that exceed \$35/month and get the standard \$155 deduction.
- ☞ **Actual medical expenses:** If you incur and verify *more than* \$190 per month in medical expenses (the \$35 threshold plus the \$155 standard deduction), you can claim the *actual expenses* (minus the \$35 threshold) to boost your SNAP benefits.

Example: Esther is 78 years old. She has MassHealth coverage, but the combination of small pharmacy co-pays plus over-the-counter pain relief, travel and other items add up to \$35+ per month. Esther can *self-declare* these expenses. Her SNAP benefits will be calculated using a \$155 medical expense deduction.

If Esther has more than \$190/month in out-of-pocket expenses, and if verifying them would boost her monthly SNAP, she should claim and verify her actual expenses.

If you have a *one-time medical expense* during your certification period, you have the option of claiming the expense as a one-time deduction *or* having it averaged over a number of months. [106 C.M.R. §364.440\(C\)](#). DTA should look for the most advantageous option for averaging the one-time bill.

Example 1: Esther is 70 and applies for SNAP. She receives Social Security for a total of \$1,300/month unearned income and is certified for SNAP for 12 months. She also pays \$500/month in rent, plus the cost of heat and utilities. She is approved for \$201 in SNAP. A month later, she reports a one-time unpaid dental bill of \$500. DTA should average her bill out over the next 11 months (the rest of her certification period). Averaging the \$500 by 11 months (\$45/mo), Esther gets the standard medical expense deduction. Her SNAP increases to \$270.

Example 2: Esther's one-time unpaid dental bill is actually \$350. \$350 over 11 months does not exceed \$35 (is only \$31). The DTA worker should average her bill out over 10 months to give her the \$155 standard medical expense deduction, which maximizes her SNAP. (The DTA worker should also ask Esther if she has any other out of pocket medical expenses that she could self-declare to boost her SNAP.)

Allowable health care expenses

- co-pays or premiums for Medicare, Medicare Part D, Medex or other health insurance, and your deductible for Medicare Part D
- any medical services from doctors, clinics, hospitals, laboratories, or other facilities that are *not* reimbursed by a third party
- any custodial or attendant care services you need (even if the caregiver is a relative), as well as housekeeping services you pay for
- costs for childcare even if not working, if you need to pay for care because of your age or disability
- dental care, dentures, dental adhesives
- health treatments by a licensed practitioner, including chiropractic, acupuncture, physical or other therapy
- prescription drugs, including postage costs and any transportation costs to pick them up
- over-the-counter vitamins and over-the-counter drugs recommended by a licensed health care provider such as aspirin, laxatives, insulin, herbal and homeopathic remedies (no prescription required)

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- eyeglasses, contact lenses/contact saline, hearing aids, batteries, communication equipment for the hearing or visually impaired
- health-related supplies recommended by a health provider including incontinence supplies, creams and ointments, commodes and walkers
- cost of a gym membership such as YMCA or health club membership
- private transportation costs at the current federal mileage rate (as of January of 2024 it is 67 cents/mile)
- out-of-pocket parking and tolls, or the monthly cost of taxis, vans, or public transportation needed to get to medical appointments
- long distance phone calls related to obtaining medical services, or internet if needed for a medical device to function properly
- veterinary bills, dog food, and other needs for all animals recommended by a medical provider (including trained service animals and therapy and emotional support animals); *and*
- any other un-reimbursed medical expenses prescribed or recommended by your health care providers. [106 C.M.R. §364.400\(C\)](#).

Self-declaration of health care expenses

If you are claiming less than \$190/month in medical expenses, *you can self-declare these expenses* under a special waiver that USDA approved for DTA. You will get the standard medical expense of \$155/month.

Verification of higher health care expenses

If you are claiming more than \$190/month in medical expenses, you are required to provide proof for your expenses, but only the *amount* of your medical expenses. If you do not verify expenses above \$190, you will still get the \$155 standard deduction for any expenses you self-declare.

You are not required to have paid the bill, or show you paid the bill (just that the cost wasn't reimbursed). [106 C.M.R. § 364.450\(A\)](#). Note that DTA automatically gets proof of any Medicare Part B premiums taken out of your Social Security benefits. You also do not need to give DTA multiple months of receipts or bills for recurring medical expenses, as long as you have at least one month worth of bills. You can tell DTA in writing or verbally how often you incur the expense.

Example: In addition to her Medicare Part B premium of \$174.70 per month, Martha pays roughly \$50/month for vitamins and OTC pain relief. She gives DTA one pharmacy receipt for her vitamins pain relief. She writes DTA a note that she pays these expenses monthly and includes that she drives twice a month, 20 miles round trip, to the pharmacy. DTA should accept her proof of healthcare costs plus her self-declaration of her travel.

If you need to verify your medical expenses to claim more than \$190/month in out-of-pocket expenses, the following are examples of proofs you can submit for medical expenses, but you can also submit other items:

- Billing invoices canceled checks or other proof of your health care bills or insurance premiums (that you paid or you owe).
- An Explanation of Benefits (EOB) health insurance statement showing how much you owe for co-pays or deductibles.
- A Medicare Claim Summary to show the dates of visits to your doctor and laboratory visits, which you can use to claim your transportation costs (You can also verbally self-declare mileage by calling DTA).
- A print-out from your pharmacy showing your co-pays and out-of-pocket payments for drugs. This is also useful to show all your visits to the pharmacy for claiming transportation. DTA does not need to know which medications you take. You can white out the medication names and dosages from the pharmacy print-out.
- Copies of receipts for things you bought at a pharmacy or health supply store such as pain relief, recommended vitamins, skin ointments, hearing aid batteries, incontinence supplies. You *do not need a prescription* from your MD to claim these items.
- *A written or oral statement* from you with the dates and mileage if you used your car to go to your doctor, physical therapy, pharmacy or other providers. If you drove (or had a friend or family member drive you) DTA can take verbal confirmation of your health care travel over the phone. DTA will help figure out the mileage. If you have a T-pass that you use for medical trips, show DTA the T-pass and receipt when you bought it.

When to claim

Claiming medical expenses will not boost your SNAP if you are already receiving the maximum monthly SNAP grant. See MLRI's chart for when medical expenses can make a difference, along with other FAQs and screening forms: [Masslegalservices.org/snap-medical](https://masslegalservices.org/snap-medical)

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If your monthly medical expenses have not changed when you do your Recertification, you do *not* need to re-verify these expenses.

Predicting your medical expenses

DTA should make “a reasonable prediction” of the amount you “expect to be billed” for medical expenses during the certification period. You do not have to prove you paid your bills, only that you are responsible for the bill. However, you cannot claim a bill that an insurance company or other third party is going to pay or reimburse you for. [106 C.M.R. §§ 364.410\(B\)\(3\), 364.420, 364.430](#).

DTA Online Guide: See **Appendix G** for links to the DTA’s BEACON Online Guide for this section.

77 Can I claim the medical expenses I used for my public or subsidized housing rent?

Yes! DTA will accept the “rent calculation worksheet” that your local housing authority or housing agency used to determine your SNAP medical expenses. That’s because you already verified these expenses for housing, and the rules for counting medical expenses to lower your rent are similar to SNAP.

You have a right to ask your local housing agency for a copy of your “rent calculation worksheet” or other statement that confirms the amount of medical expenses you verified for your public or subsidized housing rent. For more information on how to claim medical expenses to lower your rent, and use the same information to boost your SNAP, see the following: [How to Lower Your Rent and Boost Your SNAP Benefits: An Advocacy Tool Kit for Mass Tenants](#) (MLRI, October 2018)

78 What is the child support exclusion?

Legally obligated child support you pay to a child not living in your household does *not count as income* for SNAP. [106 C.M.R. §363.230\(O\)](#). (Special rules apply when calculating the 20% earnings disregard, see below.)

Child support payments are non-countable only if you have proof of both the amount you pay and your legal obligation to pay it – such as a court order, administrative order, or legally enforceable separation. [106 C.M.R. §§361.610\(J\), 364.400\(E\)](#). If the child support is paid out of your Social Security benefits or MA Unemployment benefits, DTA may be able to verify both your payments and your legal obligation to pay.

Unfortunately, you *cannot* claim payments you voluntarily make without a court order or legal agreement. And you cannot claim any alimony payments even if court-ordered or in your divorce agreement.

You can claim the child support you pay directly to the custodial parent, to a court, or the Department of Revenue (DOR). You can claim child support paid directly from your Unemployment Insurance, Social Security, Workers Comp, or other income sources.

You can also claim legally-required payments for health insurance, required for past child support (arrearages), as well as any third party payments. This includes payments to a landlord, utility company, or tuition payments to a school for the needs of the child. [106 C.M.R. §364.400\(E\)](#).

When DTA calculates your SNAP benefits, they exclude the child support from countable income. But, if the child support is paid out of earnings, *DTA includes the value of the child support in the 20% earnings disregard – giving you a larger disregard!*

Example: Jane earns \$2,600/month gross income and pays \$500/month court-ordered child support. DTA does not count the \$500/month – it is excluded from income. This means her gross countable income is \$2,100 – below the 200% gross income test of \$2,430 for 1 person. In calculating Jane’s SNAP, DTA does not count the \$500 in child support – but DTA *does* calculate the 20% earnings deduction based on her full gross income of \$2,600. This means she gets a \$520/month earned income deduction.

Proof of child support payments

There are two factors you need to verify for DTA to exclude child support from your income – the amount you pay **and** your legal obligation to make child support payments.

In three situations, DTA should accept one verification to prove both the amount of child support you pay and your legal obligation to support:

1. A DOR “lockbox bill” or other verification from DOR.
2. If your Social Security benefits (RSDI) are garnished for child support, a letter from the Social Security Administration (SSA) stating the garnishment is for child support payments.
3. If your Unemployment Insurance benefits are garnished for child support, DTA should be able to verify this information through the data they access directly from the Department of Unemployment Assistance (DUA).

If you pay child support through your wages or through other means, you must verify both the amount and your legal obligation. The amount you pay can be verified with cancelled checks, pay stubs, a statement from the custodial parent proving you make payments, or proof from the Department of Revenue (DOR) if they are garnishing your wages.

Your *legal obligation* to pay child support can be verified through a court or administrative order, divorce decree, separation order or other legal document that shows your legal obligation. [106 C.M.R. §§361.610\(J\), 364.400\(E\)](#).

DTA Online Guide: See **Appendix G** for links to the DTA’s BEACON Online Guide for this section.

79 What is the childcare/dependent care deduction?

Families can claim the cost of care for either minor children or a disabled adult member while the household member is working, attending education or training programs, or looking for work. [106 C.M.R. §364.400\(D\)](#).

Dependent care includes the cost for supervision of teenage children (under age 18), as well as care of a child or disabled adult not part of your SNAP household (for example, a foster child or non-citizen child).

Dependent care costs include:

- fees or co-payments to private or subsidized childcare agencies
- for the cost of informal care from caregivers who not also part of your SNAP household
- payments for “attendant care,” PCAs and/or co-payments for adult day care provided for elder or disabled adults
- fees for after-school, before-school and vacation care including adult supervised before and after-school activities for teenagers, YMCA and YWCA camps, Boys and Girls Clubs, summer camp fees
- transportation to and from the program sites at the federal mileage rate (67 cents as of January 2024) or the cost of public transportation
- Representative payee administrative fees for SSI/RSDI recipients living in group homes (if the Rep payee is seeing SNAP).

You can *self-declare* your dependent care costs. See **Question 13**.

Dependent care for disabled/elder adults

If you need to pay for care for a disabled adult – such as an elderly parent or disabled adult child – so that you can go to work or training or look for work, you can claim this as a dependent care cost. [106 C.M.R. §364.400\(D\)](#).

If a disabled member of your household pays for adult care for his or her own reasons (unrelated to you going to work), DTA will treat these costs as

medical expenses of the disabled individual, not dependent care expenses. [106 C.M.R. §364.400\(C\)\(12\)](#). See **Question 76**. Either way, adult dependent care of a person with disabilities is a deductible expense.

You do not need to wait until your next Interim Report or Recertification to claim new or increased dependent care expenses. If you incur any dependent care costs you did not previously report to DTA, notify DTA immediately.

DTA Online Guide: See **Appendix G** for links to the DTA's BEACON Online Guide for this section.

80 What is the Standard Utility Allowance and what is Heat and Eat?

The standard utility allowance (SUA) is a fixed dollar amount for a household's heating and utility expenses used in the calculation of shelter expenses for SNAP benefits. [106 C.M.R. §§364.400\(G\)\(2\), 364.945](#). The dollar value of the SUA applies statewide and is not tied to what you actually pay in monthly oil, gas, electricity or other utilities.

There are *three* different SUA amounts which DTA periodically adjusts based on changes in energy costs and with USDA approval:

☞ **Heating (or air conditioning) SUA – currently \$852.** This is used for households that incur heating or air conditioning costs separately from their rent. This includes public or subsidized housing tenants if your housing authority charges you for heat, or for use of an air conditioner or a maintenance fee.

You also get this SUA if you receive or have received Fuel Assistance (also called Low Income Home Energy Assistance Act or LIHEAP payments) in the last 12 months - even if your heat is included with your rent. LIHEAP can cover part of your rent if your rent exceeds 30% of net income.

☞ **Non-heating SUA – currently \$520.** This is used for households that incur utility expenses but not heating or air conditioning costs. Utility expenses can include electricity (non-heating), cooking gas, garbage collection, and water and sewer fees passed onto tenants.

☞ **Telephone-only SUA – currently \$59.** This is used for households that incur only telephone costs (cell phone or landline, but not phone cards) and do not pay any of the other utilities listed above.

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It is important that you tell DTA if you incur heating costs, AC costs during the summer (even if your heat is included), or if you get Fuel Assistance for utilities or toward part of high rent costs. The application and recertification forms ask questions about utility expenses.

You also get the full SUA even if you live with another household and pay part of the utilities. [106 C.M.R. §364.400\(G\)\(3\)](#). You should also get the SUA in the SNAP math, even if you pay \$0 in rent but are responsible for utility costs where you live (e.g. off-season caretaker of a home).

The “Heat and Eat” Fuel Assistance Program

DTA and the Executive Office of Housing and Livable Communities (EOHLC) have a special “Heat and Eat” Fuel Assistance program, or H-EAT. The H-EAT program was created because many seniors and persons with disabilities often underreport their AC/cooling costs, or did not realize they could claim utility costs when sharing utilities with other households.

How Heat and Eat Works

DTA identifies SNAP households not getting the full “heating/cooling standard utility allowance” (HC SUA) and then exchanges a data file two times per month with EOHLC to confirm if any of these SNAP households received regular Fuel Assistance in the past 12 months. If not, DTA provides the SNAP household with a \$21 H-EAT Fuel Assistance payment.

This H-EAT payment is put on your EBT card once every 12 months. You can use this money to buy supplies such as light bulbs, flashlights, or blankets. If the H-EAT payment increases your SNAP you will get a notice from DTA. DTA should automatically issue another \$21 H-EAT payment annually if you are eligible for this special payment.

SNAP households who do not receive the H-EAT payment are:

- Bay State CAP (SSI) households,
- homeless households (who get a special homeless income deduction), *and*
- households that have separate heating/cooling costs or receive the maximum SNAP for their household.

DTA Online Guide: See **Appendix G** for links to the DTA’s BEACON Online Guide for this section.

81 What is the shelter deduction and how is it calculated?

The SNAP rules allow you to deduct shelter expenses that exceed *half* of your net income, but not a dollar-for-dollar deduction of shelter costs. This is called the “shelter deduction.” [106 C.M.R. § 364.400\(G\)](#).

Example: Rita’s total shelter expenses are \$1,552/month: \$700 rent and the \$852 heating/cooling standard utility allowance. She pays for heat, electricity, phone and internet. Her gross earnings are \$1,500/month and her net income (after pre-shelter allowable deductions) is \$1,002 per month. DTA will calculate Rita’s SNAP *using the \$672 capped shelter deduction*, even though her shelter expenses above half of her net income are higher than that.

The SNAP shelter deduction is complicated but important. After Section 8 and public housing, it is the biggest source of federal assistance to low-income households based on their housing needs. Remember shelter costs may be *self-declared* unless questionable. See **Question 13**.

Two shelter deductions

- The shelter deduction is *capped at \$672 per month* for households that *do not* include an elder, disabled adult or disabled child, regardless of how high the shelter costs are.
- If the household includes at least one person who is *elderly (age 60+)* *or is disabled*, there is *no limit or cap* on the shelter costs that exceed 50% of net income.

Shelter costs that can be claimed

- monthly rent paid that you pay or you owe, including the amount you are responsible for if you sublet or share an apartment. If you have a rent subsidy, only the amount of rent you pay should be reported;
- mortgage fees, including payments on the principal, interest, legal fees, home improvement loans (even if you are behind in payments) and condo fees. If you pay mortgage quarterly or semi-annually, list your monthly average;
- property taxes and homeowner insurance (even if you have no mortgage);
- trailer payments not made on a credit card and trailer parking fees;

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- repair costs on your home or condo needed as a result of a fire, flood, severe storms or other natural disaster and not reimbursed by insurance (e.g. a new boiler, new roof, replacement of windows, etc.);
- shelter expenses for a home not occupied by you if you are planning to return to it, not renting it and had to leave because of employment and training away from home, illness or a natural disaster, and any current occupants are not claiming a shelter deduction for SNAP purposes;
and
- the appropriate standard utility allowance (SUA) for your household. See **Question 80**. Actual utility costs and heating costs are not allowed as they are covered under the SUA.

SNAP rules on shelter costs: [106 C.M.R. §364.400\(G\)\(1\)](#)

How shelter costs are calculated

Step 1: Calculate your *preliminary net income* – gross monthly income after subtracting the earned income deduction (including any child support paid out, see **Question 78**), standard deduction, any dependent care, and allowable medical costs.

Step 2: Calculate the shelter deduction by adding your non-utility shelter costs (rent, mortgage) to your standard utility allowance (SUA).

Step 3: Divide your preliminary net income in half.

Step 4: Subtract the result in Step 3 from the result in Step 2. The result is your excess shelter cost. If the answer is zero or less, you do not get shelter deduction. *If the answer is more than \$672, you can deduct only \$672 unless the household includes a person who is 60 or older or disabled.*

Part 3 † Financial Eligibility

Example: Carl works part time and earns \$1,500 per month. He lives with his wife Cindy and their child. The family pays \$800 per month in rent and pays for heat and utilities. Here’s how DTA calculates Carl’s shelter costs to determine his net income

\$1,500	Carl’s Gross earned income
- 300	20% earnings deduction from gross
- 198	Standard deduction for household of 3
\$ 1,002	Preliminary <i>net</i> income
<i>Shelter deduction calculation</i>	
\$ 800	Rent
+ 852	SUA
\$1,652	Shelter expenses
- 501	One-half prelim net income (1/2 of \$1,007)
\$ 1,151	Shelter expense > half net income
- 672	Maximum shelter deduction (capped)
\$ 330	NET INCOME for Carl’s family (preliminary net income minus max shelter deduction)

DTA Online Guide: See **Appendix G for** links to the DTA’s BEACON Online Guide for this section.

82 What is the homeless deduction?

If you stay in a homeless shelter, temporarily in the home of another (“couch surfing”), or live on the street, your SNAP benefits should be calculated with the **standard homeless deduction** - which is currently \$180 per month.

This standard deduction recognizes the basic living of doing laundry, phone calls, locker fees, and other items. [106 C.M.R. §364.400\(F\)](#). You do not need to verify these expenses. If you get the homeless deduction, you do not get any other shelter deductions off your income.

It is important that the DTA worker codes your SNAP case as “homeless” so you get this deduction. DTA considers you “homeless” if you lack a regular nighttime residence, including if you are staying in a shelter or have other accommodations that are temporary (e.g. less than 90 days). See [106 C.M.R. §360.030](#) for the definition of homeless.

Example: Paul is a homeless veteran who receives \$500 per month in Veterans’ benefits. Sometimes he stays at Pine Street Inn, a shelter for adult individuals, and sometimes he sleeps on the street. Paul gets the \$198 standard deduction and the \$180 homeless deduction. His *net* monthly income for SNAP is \$122.34, of which 30% is deducted from the maximum SNAP allotment of \$291.

If you are homeless but temporarily staying in a house or apartment where you contribute to shelter costs while you stay there, you should get the shelter deduction (which is typically higher than the homeless deduction).

DTA Online Guide: See **Appendix G** for links to the DTA’s BEACON Online Guide for this section.