



Ohio Administrative Code

Rule 5101:4-4-23 Food assistance: deductions from income.

Effective: December 1, 2019

A deduction is considered in the month the expense is billed or otherwise becomes due. However, in the case of reimbursable medical expenses, a deduction can only be considered within thirty days of receiving the verification of the amount of reimbursement. The preceding applies regardless of when the assistance group intends to pay the expense. Deductions from income shall be verified in accordance with rule 5101:4-2-09 of the Administrative Code.

Deductions for each assistance group are allowed only for the following:

(A) Gross earned income deduction: twenty per cent deduction of gross earned income. No additional deductions (i.e., taxes, pensions, union dues, and the like) except for costs of self-employment, are allowed from earned income. Excluded earned income is not subject to this deduction. The earned income of a disqualified member is subject to this deduction.

(B) Standard deduction: each assistance group regardless of its income receives the corresponding standard deduction for the assistance group size. In accordance with 7 C.F.R. 273.9 (as in effect on the effective date of this rule), the United States department of agriculture (USDA) food nutrition service (FNS) determines the amount of the standard deduction based on the federal poverty guidelines and indexing of the cost of living increase for each federal fiscal year. The Ohio department of job and family services (ODJFS) provides this figure to the county agencies on an annual basis via a food assistance change transmittal, that can be found in the food assistance certification handbook at the ODJFS website.

(C) Excess medical deduction: that portion of medical expenses that is nonreimbursable, over thirty-five dollars per month, excluding special diets, incurred by any assistance group member who is elderly or disabled as defined in rule 5101:4-1-03 of the Administrative Code.

(1) Who is eligible for this deduction?



(a) An assistance group with potential categorical eligibility that contains a supplemental security income (SSI) applicant that is determined ineligible but later becomes categorically eligible and entitled to restored benefits shall receive restored benefits using the excess medical deduction from the beginning of the period for which SSI benefits are paid, or the original supplemental nutrition assistance program (SNAP) application date, whichever is later, when the assistance group incurs such expenses.

(b) Persons receiving emergency SSI benefits based on presumptive eligibility are eligible for this deduction.

(c) Individuals who are a dependent of a recipient of SSI or disability/blindness benefits are not eligible for this deduction if they are receiving benefits as a spouse or other person.

(2) Allowable medical costs are limited to the following:

(a) Medical and dental care, including psychotherapy and rehabilitation services, provided by a licensed practitioner authorized by the state or another qualified health professional.

(b) Hospitalization or outpatient treatment, nursing care, and nursing home care. Also included are payments by the assistance group for an individual who was an assistance group member immediately prior to entering a hospital or nursing home provided by a facility recognized by the state.

(c) Prescription drugs when prescribed by a licensed practitioner and other over-the-counter medication (including insulin) when approved by a licensed practitioner or other qualified health professional. In addition, costs of medical supplies, incontinence products, sick-room equipment (including rental) or other prescribed equipment or supplies are deductible. The cost of any Schedule I controlled substance under the Controlled Substances Act 21 U.S.C. 812 (12/2018) including medical marijuana and any expenses associated with its use, are not deductible.

(d) Health and hospitalization insurance policy premiums. The costs of health and accident policies such as those payable in lump-sum settlements for death or dismemberment, or income maintenance policies such as those that continue mortgage or loan payments while the beneficiary is disabled are



not deductible.

(e) Medicare premiums and any cost-sharing or spend-down expenses incurred by medicaid recipients, as described in 7 C.F.R. 273.9.

(f) Dentures, hearing aids, and prosthetics.

(g) Costs associated with any animal (not limited to any type of animal) specially trained to serve the needs of an elderly or disabled assistance group member when:

(i) The animal is specially trained to assist the individual with the medical issue for which the animal is prescribed, and the individual cannot readily perform on their own (specific types of trainings, credentials or certifications are not required); and

(ii) The costs are associated with securing and maintaining the animal, including but not limited to, veterinarian bills and food costs.

(h) Eyeglasses prescribed by a physician skilled in eye disease or by an optometrist.

(i) Monthly telephone fees for amplifiers and warning signals for handicapped persons, and costs of telephone typewriter equipment for the deaf.

(j) Reasonable costs of transportation and lodging to obtain medical treatment or services.

"Reasonable costs for transportation" shall be defined as the current federal or state mileage reimbursement rate, whichever is higher, for private automobiles, or actual costs when other forms of transportation are used. Verification is required only when costs exceed the higher of the federal or state mileage reimbursement rate or the rate charged is for public transportation (e.g., local bus service).

(k) Maintaining an attendant homemaker, home health aide, child care services, or housekeeper, necessary due to age, infirmity, or illness. In addition, an amount equal to the one-person allotment shall be deducted as a medical expense when the assistance group furnishes the majority of the attendant's meals. The allotment for this meal-related deduction shall be that in effect at the time of



initial certification. The county agency is only required to update the allotment amount at the next scheduled reapplication; however, the county agency may do so earlier. When an assistance group incurs attendant care costs that could qualify under both the medical deduction and the dependent care deduction, the cost may be deducted as a medical expense or a dependent care expense, but not both.

(D) Child/dependent care deduction: payments for the actual verified expenses for the care of an individual for whom the assistance group provides dependent care, including care of a child under the age of eighteen or an incapacitated person of any age in need of care. A child care expense that is reimbursed or paid for by the Ohio works first program under Title IV-A of the Social Security Act, (42 U.S.C. 618 (5/2017) shall not be deductible.

(1) Dependent care expenses are allowable deductions when determined necessary for a group member to:

(a) Search for, accept or continue employment;

(b) Comply with the employment and training requirements described in rule 5101:4-3-30 of the Administrative Code; or

(c) Attend training or education in preparation for employment under rule 5101:4-3-30 of the Administrative Code, unless covered by educational income which has been excluded under rule 5101:4-4-13 of the Administrative Code.

(2) Dependent care expenses must be separately identified, necessary to participate in the care arrangement, and not already paid by another source on behalf of the household. Allowable dependent care expenses are limited to:

(a) The costs of care given by a care facility or an individual care provider, including a relative, so long as the relative providing care is not part of the same SNAP assistance group as the child or dependent adult receiving care;

(b) Transportation costs to and from the care facility; and



(c) Activity or other fees associated with the care provided to the dependent that are necessary for the household to participate in the care.

(3) For purposes of paragraph (D) of this rule, "incapacitated" is defined as any permanent or temporary condition that prevents an individual from participating fully in normal activities, including but not limited to work or school, without supervision and that requires the care of another person to ensure the health and safety of the individual, or a condition or situation that makes a lack of supervision risky to the health and safety of that individual.

(4) An assistance group incurring attendant care expenses that could qualify under both the medical deduction and/or child/dependent care deduction may be deducted as either a medical expense or child/dependent care expense, but not both.

(E) Shelter costs: monthly shelter costs over fifty per cent of the assistance group's income after all other deductions contained in this rule have been allowed. When the assistance group does not contain an elderly or disabled member, as defined in rule 5101:4-1-03 of the Administrative Code, the shelter deduction cannot exceed the maximum shelter deduction provided. These assistance groups shall receive an excess shelter deduction for the entire monthly cost that exceeds fifty per cent of the assistance group income after all other deductions contained in this rule have been allowed. An assistance group with potential categorical eligibility that contains an SSI applicant that is determined ineligible but later becomes categorically eligible and entitled to restored benefits shall receive restored benefits using the excess shelter deduction from the beginning of the period for that SSI benefits are paid or the original SNAP application date, whichever is later, when the assistance group incurs such expenses. The maximum shelter cost deduction shall be adjusted each fiscal year and the county agencies will be informed of the amount through the issuance of a food assistance change transmittal, that can be found in the food assistance certification handbook at the ODJFS website. Shelter costs shall include only the following:

(1) An assistance group that receives the homeless shelter deduction under paragraph (H) of this rule shall not have its shelter expense considered under paragraphs (E) and (F) of this rule.

(2) Continuing charges for the shelter occupied by the assistance group, including rent, first and second mortgages, condo and association fees, or other continuing charges leading to the ownership



of shelter, such as loan repayments for the purchase of a mobile home, including interest on such payments. Examples of shelter costs homeless assistance groups may incur are fees for staying at shelters for the homeless, fees for renting a motel room for a number of days or hours each month, etc. When a homeless assistance group is living in its car, the car payment can qualify as a shelter cost.

(3) Property taxes, state and local assessments, and insurance on the structure itself, but not separate costs for insuring furniture or personal belongings. When an assistance group is living in a car, only that portion of the car insurance premium that covers the car itself may be allowed. License plate fees on a motor home or car that represents an assistance group's residence are not assessments and they are not allowable.

(4) One of the utility allowances listed under paragraph (F) of this rule when applicable. To receive a utility allowance there shall be an incurred utility expense. Only separate identifiable utility costs are allowable.

(5) Charges for the repair of the home itself that was substantially damaged or destroyed due to a natural disaster such as a fire or flood. Costs for replacement or repair of normal home furnishings (e.g., bed, refrigerator, stove) or personal belongings (e.g., clothes, jewelry, linen) are not covered by this rule. Shelter costs shall not include charges for repair of the home that have been or will be reimbursed by private or public relief agencies, insurance companies, or from any other source.

(6) The shelter costs for the home when temporarily unoccupied by the assistance group because of employment or training away from home, illness, or abandonment of the home due to natural disaster or casualty loss. For the costs of a vacated home to be included in shelter costs, the assistance group shall intend to return to the home; the current occupants of the home, when any, shall not be claiming the shelter costs for SNAP purposes; and the home shall not be leased or rented in the assistance group's absence. The county agency is not required to assist assistance groups in obtaining verification of this expense when verification would have to be obtained from a source outside of the project area. Assistance groups shall provide verification of actual utility costs for unoccupied homes when the costs would result in a deduction. An assistance group that has both an occupied home and an unoccupied home is only entitled to one standard utility allowance.



(F) Utility allowance: utility allowances are established by ODJFS and are reviewed and updated annually. The amounts are updated in the statewide automated eligibility system and the county agencies are notified of the amounts by issuance of a food assistance change transmittal, that can be found in the food assistance certification handbook at the ODJFS website. The utility allowances include the costs of heating fuel, electricity, water, sewer, trash collection, and telephone service. A "cooling cost" is a verifiable utility expense relating to the operation of air conditioning systems or room air conditioners. This does not include costs relating to the operation of fans.

Types of utility allowances and who is entitled to them:

Each assistance group charged for a utility expense is entitled a utility allowance. Assistance groups that are not directly billed by a utility company but are billed separately when costs are shared or are owed to a landlord are entitled to a utility allowance. County agencies shall not prorate utility allowances.

(1) Standard utility allowance: deduction for the assistance groups that incur heating and or cooling costs. The standard utility allowance includes the costs of heating fuel, electricity, cooling costs, water, sewer, trash collection and telephone service.

Assistance groups entitled to the use of the standard utility allowance include:

- (a) Assistance groups that are not considered homeless that incur heating and/or cooling expenses separately from their rent or mortgage are entitled to the standard utility allowance.
- (b) Assistance groups that incur verified heating costs during the heating season continue to qualify for the standard utility allowance throughout the year, regardless of whether they also incur cooling costs, and vice versa.
- (c) Assistance groups in private rental housing that are billed by their landlords on the basis of individual usage or that are charged a flat rate based on their individual usage for heating or cooling expenses separately from their rent are entitled to the standard utility allowance.
- (d) Assistance groups that received more than twenty dollars of direct or indirect assistance in the



past twelve months under the Low Income Home Energy Assistance Act of 1981 (LIHEAA), 42 U.S.C. 94 (01/2012) such as the home energy assistance program (HEAP) (which is excluded as income), are entitled to the standard utility allowance whether or not the assistance group incurs any out-of-pocket expenses.

(e) Assistance groups that receive direct or indirect energy assistance that is counted as income and that incur a heating or cooling expense are entitled to use the standard utility allowance.

(f) Assistance groups that receive direct or indirect assistance that is excluded from income consideration (other than that provided under the HEAP) such as utility reimbursements made by the department of housing and urban development (HUD) and/or the farmers home administration (FMHA) are entitled to use the standard utility allowance, only when the amount of their utility heating and/or cooling expenses exceeds the amount of the energy assistance or utility reimbursement provided.

(g) An assistance group that has both an occupied and an unoccupied home is only entitled to one standard utility allowance.

(h) Assistance groups living in public housing units that have central utility meters and are charged only for excess heating or cooling costs are entitled to the standard utility allowance, regardless when they are charged by the utility company or the landlord.

(i) All assistance groups that live with another individual, another assistance group or both, and share heating and/or cooling costs, are entitled to the full standard utility allowance.

(2) Limited utility allowance: deduction for the assistance groups that incur two or more utility expenses, none of which is a heating or cooling expense, but may include a telephone expense.

(3) Single standard utility allowance: deduction for assistance groups that incur one utility expense that is not a heating, cooling or telephone expense.

(4) Standard telephone allowance: deduction for assistance groups that only incur a telephone expense.



(G) Child support: a deduction is provided for legally obligated child support payments paid by an assistance group member to or for a nonhousehold member, including payments made to a third party on behalf of the nonhousehold member (vendor payments). The county agency shall allow a deduction for amounts paid toward arrearages. Alimony payments made to or for a nonhousehold member shall not be included in the child support deduction. County agencies shall budget child support payments prospectively regardless of the budgeting system used for the assistance group's other circumstances.

(H) Homeless shelter deduction: an assistance group that is considered to be homeless is eligible to have this deduction taken in the determination of its net income. To be eligible for this deduction, the homeless assistance group shall incur shelter costs during the month. Homeless assistance groups shall be given the choice of the homeless shelter deduction or actual shelter costs. A homeless assistance group receiving the homeless shelter deduction cannot have its shelter expenses considered under paragraphs (E) and (F) of this rule. The homeless shelter deduction is established by FNS and the amount, when changed, will be issued through a food assistance change transmittal. Food assistance change transmittals can be found in the food assistance certification handbook on the Ohio department of job and family services website.

(I) Verification of deductions

Nonreimbursable medical expenses of elderly or disabled members shall be verified at initial certification, reapplication, and whenever a change of more than twenty-five dollars is reported. Shelter and utility expenses, shelter and utility expenses for an unoccupied home, other shelter expenses, dependent care expenses, and legal obligation and actual child support payments shall be verified. Also, when other deductible expenses claimed will result in a deduction, the expenses shall be verified. Information on the application is questionable when it is inconsistent with information elsewhere on the application or previous application, statements made by the applicant, information received by the county agency, or in the case of utility expenses, inconsistent with normal costs for the season and shall be verified.

(J) When a deductible expense shall be verified and obtaining the verification may delay the assistance group's certification, the county agency shall advise the assistance group that the



assistance group's eligibility and benefit level shall be determined without deducting the unverified expense. When the expense cannot be verified within thirty days of the date of application, the county agency shall determine the assistance group's eligibility and benefit level without deducting the unverified expense. When the assistance group subsequently provides the missing verification, the county agency redetermines the assistance group's benefits, and provides increased benefits, when any, in accordance with the timeliness standards for reported changes. The assistance group is entitled to the restoration of any benefits as a result of the disallowance of the expense only when the expense could not be verified within the thirty-day processing standard because the county agency failed to allow the assistance group sufficient time to verify the expense. When the assistance group would be ineligible unless the expense is allowed, the assistance group's application shall be handled as provided in rule 5101:4-5-07 of the Administrative Code.