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Ohio Administrative Code

Rule 5101:4-2-03 Food assistance: assistance group definitions.

Effective: April 1, 2026

(A) What is an assistance group?

An assistance group is composed of one of the following individuals or groups of individuals provided they are not residents of an institution, are not residents of a commercial boarding house, or are not boarders, except as otherwise specified in paragraph (E) of this rule.

(1) Individual: An individual living alone or who, while living with others, customarily purchases food and prepares meals for home consumption separate and apart from the others.

(2) Groups: a group of individuals who live together and customarily purchase food and prepare meals together for home consumption.

(3) Spouses: a person living with his or her spouse, as defined in rule 5101:4-1-03 of the Administrative Code, shall be considered as customarily purchasing food and preparing meals together, even when they do not do so.

(4) Children living with their parents: any person under the age of twenty-two who lives with the parent(s) (natural, adopted, or step) must be included in the same assistance group with the parent(s). When a person under the age of twenty-two has a spouse and/or child(ren) of his or her own, the spouse and child(ren) of the person must also be included in the same assistance group.

(5) Person under parental control: persons under eighteen years of age and unmarried living with and are under the parental control of another household member who is not their natural, adoptive, or step parent shall be treated as customarily purchasing and preparing meals together for home consumption even when they do not do so.

(a) These provisions apply to children for whom federal kinship guardianship assistance program payments are received, or state kinship guardianship assistance program payments are received when the child is also in receipt of Ohio works first (OWF). These provisions exclude children for whom foster care, guardianship, kinship support program, or state kinship guardianship assistance program when the child is not also in receipt of OWF.

(b) Note: "parental control" refers to unmarried minors who are dependents-financial or otherwise-of another household member as opposed to independent units. Persons under age eighteen who are married are considered emancipated and are not to be automatically considered as

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customarily purchasing and preparing meals together unless they state they are actually doing so.

(6) An elderly and disabled individual: an otherwise eligible member of an assistance group and their spousemay be certified as a separate assistance group when the following criteria are met:

(a) The individual is sixty years of age or older; and

(b) The individual is unable to purchase and prepare meals because they suffer from a disability considered permanent under the Social Security Act of 1935 or suffers from a non disease-related, severe, permanent disability; and

(c) The income, as described in rule 5101:4-4-19 of the Administrative Code, of the others with whom the individual resides (excluding the income of the spouse of the elderly and disabled individual) does not exceed one hundred sixty-five per cent of the federal poverty level (FSP-14 "Separate Assistance Group Income Standards-Elderly and Disabled Assistance Groups Only").

(7) An unaccompanied minor: a homeless individual who is not living with their parent(s) (natural, adopted, or step) and is not under the parental control of a household member as described in paragraph (A)(5) of this rule. While some homeless minors may fall under parental control of a non-parent household member, other homeless minors are not.

(B) What shall the county agency do when an individual claims to be in a separate assistance group from those with whom they reside?

Individuals who claim to be a separate assistance group from those with whom they reside shall be responsible for providing verification that they are a separate assistance group to the satisfaction of the county agency. Final determinations of living arrangements shall be made on a case-by-case basis, using reasonable judgment based on the circumstances of the particular living arrangement, and need not be reflective of these guidelines should other more conclusive factors be involved. For the purpose of determining whether people are living together, consideration shall be given to, but not limited to the following:

(1) Separate address

The county agency shall consider whether the persons involved have addresses that are commonly recognized as separate in the community.

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(2) Separate utilities

The county agency shall consider whether the persons involved have separate utility meters and are, therefore, billed separately by the utility companies.

(3) Separate entrances

The county agency shall consider whether the persons involved have separate entrances to their living quarters, and whether such entrances require passing through one living quarter in order to gain access to another.

(4) Opinion of the landlord

The county agency shall consider whether the owner of the property considers the property to contain separate units.

(C) Which non-assistance group members are eligible to participate as separate assistance groups?

For the purpose of defining an assistance group under paragraph (A) of this rule, the following individuals shall not be included as a member of the assistance group unless specifically included as an assistance group member under paragraph (A)(3) (spouses), (A)(4) (parents living with their children), or (A)(5) (person under parental control) of this rule, and shall not be included as a member of the assistance group for the purposes of determining assistance group size, eligibility, or benefit level. The income and resources of such individuals shall be handled in accordance with rule 5101:4-6-15 of the Administrative Code. The following individuals (when otherwise eligible) may participate as separate assistance groups:

(1) Roomers

Individuals to whom an assistance group furnishes lodging for compensation, but not meals.

(2) Live-in attendants

Individuals who reside with an assistance group to provide medical, housekeeping, child care, or other similar personal services.

(3) Other

Other individuals who share living quarters with the assistance group but who do not customarily purchase food and prepare meals with the assistance group. For example, when an applicant family shares living quarters with another

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family to save on rent, but does not purchase and prepare food together with that family, the members of the other family are not members of the applicant assistance group.

(D) Which non-assistance group members are ineligible to participate as separate assistance groups?

The following individuals shall not be included as eligible members of the assistance group when determining the income eligibility standard or assigning a benefit level for the assistance group's size. These individuals are not eligible to participate as separate assistance groups. Ineligible individuals include the following:

(1) Ineligible aliens are those individuals who do not meet the citizenship or eligible alien status. See rule 5101:4-6-13 of the Administrative Code for how to treat the income, resources, and expenses of these individuals.

(2) A person disqualified for intentional program violation is one who has been disqualified in accordance with Chapter 5101:6-20 of the Administrative Code. See rule 5101:4-6-13 of the Administrative Code for how to treat the income, resources, and expenses of these individuals.

(3) Persons who have been disqualified for failure to provide a social security number as provided for in rule 5101:4-3-24 of the Administrative Code are ineligible to participate. See rule 5101:4-6-13 of the Administrative Code for how to treat the income, resources, and expenses of these individuals.

(4) An individual who is disqualified for refusing or failing to comply with a work requirement of rule 5101:4-3-12 of the Administrative Code. See rule 5101:4-6-13 of the Administrative Code for how to treat the income, resources, and expenses of these individuals.

(5) Persons enrolled in an institution of higher education on at least a half-time basis who fail to meet the eligibility criteria in accordance with rule 5101:4-6-04 of the Administrative Code are ineligible to participate. See rule 5101:4-6-15 of the Administrative Code for how to treat the income, resources, and expenses of these individuals.

(6) No member of an assistance group who is otherwise eligible to participate in the supplemental nutrition assistance program (SNAP) shall be eligible to participate as a member of that or any other assistance group during any period during which the individual is determined to be a fleeing felon or a probation or parole violator, in accordance with this paragraph. See rule 5101:4-6-13 of

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the Administrative Code for how to treat the income, resources, and expenses of these individuals.

(a) When the county agency has information that an individual may be fleeing to avoid prosecution or arrest for a felony, the county agency shall obtain documentary evidence of the following before imposing ineligibility under this rule:

(i) There is an outstanding felony warrant for the individual issued by a federal, state, or local law enforcement agency, and the underlying cause for the warrant is for committing or attempting to commit a crime that is a felony under the law of the place from which the individual is fleeing or a high misdemeanor under the law of New Jersey;

(ii) Considering all the relevant facts and circumstances, a reasonable person would conclude that the individual is aware of, or should reasonably have been able to expect that, the felony warrant has already or would have been issued;

(iii) Considering all the relevant facts and circumstances, a reasonable person would conclude that the individual has taken some action to avoid being arrested or jailed; and,

(iv) A federal, state, or local law enforcement agency is actively seeking the individual as provided in paragraph (D)(6)(c) of this rule.

(b) When the county agency has information that an individual may have violated a condition of probation or parole imposed under a federal or state law, the county agency shall obtain documentary evidence of the following before imposing ineligibility under this rule:

(i) A court of competent jurisdiction or the adult parole authority has determined that the individual has violated a condition of his or her probation or parole imposed under a federal or state law; and,

(ii) A federal, state, or local law enforcement agency is actively seeking the individual to enforce the conditions of the probation or parole as described in paragraph (D)(6)(c) of this rule.

(c) The county agency shall obtain documentary evidence of whether the law enforcement agency is actively seeking the individual when determining the eligibility of a fleeing felon or an individual who has violated a

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condition of his or her probation or parole imposed under a federal or state law.

(i) For purposes of this rule, "actively seeking" is defined as follows:

(a) A federal, state, or local law enforcement agency informs the county agency that it intends to enforce an outstanding felony warrant or to arrest an individual for a probation or parole violation within twenty days of submitting a request for information about the individual to the county agency;

(b) A federal, state, or local law enforcement agency presents a felony arrest warrant that conforms to one of the following national crime information center uniform offense classification codes to the county agency to obtain information on the location of and other information about the individual named in the warrant:

(i) Escape (4901);

(ii) Flight to avoid (4902); or,

(iii) Flight-escape (4999); or,

(c) A federal, state, or local law enforcement agency informs the county agency that it intends to enforce an outstanding felony warrant or to arrest an individual for a probation or parole violation within thirty days of the date of a request from a county agency about a specific outstanding felony warrant or probation or parole violation.

(ii) When the law enforcement agency indicates that it does intend to enforce the felony warrant or arrest the individual for the probation or parole violation within thirty days of the date of the county agency's inquiry, the county agency will postpone taking any action on the case until the thirty day period has expired and shall verify with the law enforcement agency after the thirty days whether it has attempted to execute the felony warrant or arrest the probation or parole violator.

(a) When the law enforcement agency has attempted to execute the felony warrant or arrest the probation or parole violator within the thirty days, the county agency shall deny an applicant or terminate a participant who has been determined

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to be a fleeing felon or a probation or parole violator in accordance with rule 5101:4-7-01 of the Administrative Code. When law enforcement subsequently indicates that it no longer intends to enforce the felony warrant or arrest the individual for the probation or parole violation, the county agency shall not consider the individual a fleeing felon or probation or parole violator as of the date law enforcement made its decision and shall document the case file accordingly.

(b) When the law enforcement agency has not taken any action within the thirty days, the county agency shall not consider the individual a fleeing felon or probation or parole violator and shall document the case file accordingly.

(iii) When the law enforcement agency indicates that it does not intend to enforce the felony warrant or arrest the individual for the probation or parole violation within thirty days of the date of the county agency's inquiry about the warrant, the county agency shall determine that the individual is not a fleeing felon or a probation or parole violator and document the case file accordingly.

(d) When awaiting verification and/or determining if an individual is a fleeing felon or probation or parole violator in accordance with paragraph (D)(6)(a) to (D)(6)(b) of this rule, the county agency shall:

(i) Continue to process the application in accordance with rule 5101:4-2-11 of the Administrative Code; and

(ii) Impose ineligibility for the individual and redetermine the assistance group's eligibility when it is determined that an individual is a fleeing felon or parole violator.

For purposes of processing a change in benefits in accordance with rule 5101:4-7-01 of the Administrative Code or calculating claims, an individual is not considered to be a fleeing felon or probation or parole violator until the date the county agency has made a determination in accordance with paragraph (D)(6) of this rule.

(7) No member of an assistance group who is otherwise eligible to participate in SNAP is to be eligible to participate as a member of an assistance group during any period which the individual is determined to be convicted of and out of compliance with their sentence for certain crimes committed on or after

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February 7, 2014. See rule 5101:4-6-13 of the Administrative Code for how to treat the income, resources, and expenses of these individuals.

(a) Individuals who self attest to a conviction as an adult and who are out of compliance with their sentence for the following crimes:

(i) Aggravated sexual abuse 18 U.S.C. 2241 (12/2024);

(ii) Murder 18 U.S.C. 1111 (4/2003);

(iii) An offense under 18 U.S.C. Chapter 110 (5/2024);

(iv) A federal or state offense involving sexual assault, as defined in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)); or

(v) An offense under state law determined by the attorney general of the United States, to be substantially similar to an offense described in paragraphs (D)(7)(a)(i) to (D)(7)(a)(iii) of this rule.

(b) The county agency is to verify attestations, when questionable, as described in rule 5101:4-2-09 of the Administrative Code. When awaiting verification and/or determining if an individual is convicted of and is out of compliance with their sentence for a crime described in paragraph (D)(7) of this rule, the county agency is to continue to process the application in accordance with the timeframes described in rule 5101:4-2-11 of the Administrative Code.

(8) For individual(s) who have failed to perform an action required under rule 5101:4-3-09 of the Administrative Code, see rule 5101:4-6-13 of the Administrative Code for how to treat the income, resources, and expenses of these individuals.

(9) For persons ineligible under rule 5101:4-3-13 of the Administrative Code, the time limit for able-bodied adults without dependents, see rule 5101:4-6-13 of the Administrative Code for how to treat the income, resources, and expenses of these individuals.

(E) Which individuals or groups are ineligible for SNAP?

(1) Boarders, individuals in foster care, children for whom guardianship payments are received in accordance with rule 5101:4-1-03 of the Administrative Code, children for whom kinship support payments are received as described in rule 5180:3-13-18.2 of the Administrative Code, and children for whom state kinship guardianship assistance program payments are received as described in

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rule 5180:2-56-01 of the Administrative Code when the child is not in receipt of OWF.

Boarders are defined as individuals or groups of individuals residing with others and paying reasonable compensation to the others for lodging and meals (excluding residents of a commercial boarding house). Boarders are also defined as adults or children who have been placed in foster care by a government agency, children receiving guardianship payments as defined in rule 5101:4-1-03 of the Administrative Code, and children for whom kinship support payments are received as described in rule 5180:3-13-18.2 of the Administrative Code. Boarders are ineligible to participate in the program as independent assistance groups. They may, however, participate as members of the assistance group providing the boarder services to them, at such assistance group's request pursuant to rule 5101:4-6-03 of the Administrative Code. In no event shall boarder status be granted to those individuals or groups of individuals described in paragraphs (A)(2) to (A)(5) of this rule.

(2) Residents of institutions

Residents of public institutions who apply for SSI prior to their release from an institution under the social security administration's prerelease program for the institutionalized shall be permitted to apply for SNAP at the same time they apply for SSI. Individuals shall be considered residents of an institution when the institution provides them with the majority of their meals (over fifty per cent of three meals daily) as part of the institution's normal services. Residents of institutions are not eligible for participation in the program, with the following exceptions:

(a) Residents of federally subsidized housing for the elderly built under either section 202 of the Housing Act of 1959 (12 U.S.C. 1701) (2022) or section 236 of the National Housing Act (12 U.S.C 1701).

(b) Narcotic addicts or alcoholics together with their children who, for the purposes of regular participation in a drug or alcohol treatment and rehabilitation program, reside at a facility or treatment center.

(c) Disabled or blind individuals who are residents of group homes, as described in rule 5101:4-6-26 of the Administrative Code.

(d) Persons or persons with their children temporarily residing in a shelter for battered persons and their children. Such persons and their children shall be certified as individual assistance group units for the purpose of applying for and participating in SNAP.

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(e) Residents of public or private shelters for homeless persons.

(3) Strikers

Assistance groups with striking members shall be ineligible to participate unless the assistance group was eligible for benefits the day prior to the strike and is otherwise eligible at the time of application. Assistance groups where the member on strike is exempt from work registration requirements the day prior to the strike (other than those exempt solely on the grounds that they are employed) would not be affected by the striker provisions and could be eligible for program benefits.