



Ohio Administrative Code

Rule 5101:4-4-03.3 Food assistance: resources excluded by law.

Effective: December 1, 2021

Resources are exempt when excluded for supplemental nutrition assistance program (SNAP) purposes by express provision of federal statute or court decision. Where an exclusion applies because of use of a resource by or for an assistance group member, the exclusion shall also apply when the resource is being used by or for an ineligible or disqualified person whose resources are being counted as part of the assistance group's resources. The following is a listing of some of the resources excluded by federal statute. The listing is divided into general resource exclusions and exclusions applicable to resources of American Indians or Alaska Natives.

(A) What are the general exclusions?

(1) Assistance provided to children under the school lunch program, the summer food service program for children, the commodity distribution program and child and adult care food program, Pub. L. No. 79-396, (6/1946) section 12(e) of the National School Lunch Act of 1946.

(2) Assistance provided to children under the special milk program, special supplemental food program for women, infants, and children (WIC) and the school breakfast program, Pub. L. No. 89-642, (10/1966) of the Child Nutrition Act of 1966, section 11(b).

(3) Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, Pub. L. No. 91-646, (1/1971) section 216.

(4) Benefits received from the special supplemental food program for women, infants and children (WIC), Pub. L. No. 92-433, (1/1972) section 9.

(5) Payments received under section 321(d), the Disaster Relief Act of 1974, Pub. L. No. 93-288, (5/1974), as amended by section 105(i), the Disaster Relief and Emergency Assistance Amendments of 1988, Pub. L. No. 110-246 (6/2008). Payments precipitated by an emergency or major disaster as defined in this act, as amended, are not counted as a resource for SNAP purposes. This exclusion



applies to federal assistance provided to persons directly affected and to comparable disaster assistance provided by states, local governments, and disaster assistance organizations. A "major disaster" is any natural catastrophe such as a hurricane or drought, or, regardless of cause, any fire, flood, or explosion, that the president of the United States determines causes damage of sufficient severity and magnitude to warrant major disaster assistance to supplement the efforts and available resources of states, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby. An "emergency" is any occasion or instance for which the president of the United States determines that federal assistance is needed to supplant state and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe. Most, but not all, federal emergency management assistance funds are excluded. For example, some payments made to homeless people to pay for rent, mortgage, food, and utility assistance when there is no major disaster or emergency are not excluded under this provision.

(6) Payments received under the Low-Income Home Energy Assistance Act, Pub. L. No. 99-425, (9/1986) section 504 (e).

(7) Payments to U.S. citizens of Japanese ancestry and permanent resident Japanese aliens or their survivors and Aleut residents of the Pribilof islands and the Aleutian islands west of Unimak island, Pub. L. No. 100-383, (8/1988) section 105 (f)(2), wartime relocation of civilians, the Civil Liberties Act of 1988.

(8) Coupons that may be exchanged for food at farmers' markets under WIC demonstration projects, Pub. L. No. 100-435, (9/1988) section 501, which amended section 17(m)(1) of the Child Nutrition Act of 1966.

(9) Payments made from the Agent Orange settlement fund, Pub. L. No. 101-201, (12/1989), or any other fund established pursuant to the settlement in the Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.) that are received on or after January 1, 1989. The disabled veteran will receive yearly payments. Survivors of deceased disabled veterans will receive a lump-sum payment. These payments were disbursed by Aetna insurance company. The Omnibus Budget Reconciliation Act of 1989 excludes these payments. Pub. L. No. 102-4, (2/1991), Agent Orange Act of 1991, authorized veterans' benefits to some veterans with service-connected disabilities resulting from



exposure to Agent Orange. These payments are not excluded by law.

(10) Payments made under the Radiation Exposure Compensation Act, Pub. L. No. 101-426, (10/1990) section 6(h)(2).

(11) Federal tax refunds received after December 1, 2009 are excluded for twelve months following the receipt of the refund under The American Taxpayer Relief Act, of 2012 Pub.L. No.112-240 (1/2013).

(12) Any federal, state and local earned income tax credits received either as a lump sum or as payments under section 3507 of the Internal Revenue Code (12/1994) shall be excluded for twelve months following receipt.

(13) The resources of an assistance group member who receives supplemental security income (SSI) benefits or public assistance benefits. An assistance group member is considered a recipient of these benefits when the benefits have been authorized but not received, when the benefits are suspended or recouped, or when the benefits are not paid because they are less than a minimum amount. For purposes of this paragraph, when an individual receives or is authorized to receive prevention, retention, and contingency (PRC) benefits or services as specified in paragraph (C)(2) of rule 5101:4-2-02 of the Administrative Code, the county agency shall consider the PRC assistance to benefit all members of the assistance group and therefore, the resources of all of the members of the assistance group shall be excluded. Individuals entitled to medicaid benefits only are not considered recipients of SSI or public assistance, Pub. L. No. 102-237, (12/1991), effective February 1, 1992.

(14) All student financial assistance received under Title IV (including assistance funded in part under Title IV) or part E of Title XIII of the Higher Education Act of 1965, or under bureau of Indian affairs student assistance programs pursuant to section 479(b) and section 1343(c) of Pub. L. No. 102-325, (7/1992) and educational assistance received by a student under section 507 of the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990, Pub. L. No. 101-392, (9/1990) that is made available for tuition, mandatory fees, books, supplies, transportation, dependent care, and miscellaneous personal expenses. All educational accounts described in section 529, (qualified tuition programs) and section 530 (coverdell education savings accounts) of the Internal Revenue Code of 1986, Pub. L. No. 110-246, (6/2008).



(15) Payments made to individuals because of their status as victims of Nazi persecution, Pub. L. No. 103-286, (8/1994).

(16) Pub. L. No. 103-322, (9/1994) section 230202, amended section 1403 of the Crime Act of 1984 (42 U.S.C. 10602) to provide in part that, "(e) Notwithstanding any other law, if the compensation paid by an eligible crime victim compensation program would cover costs that a federal program, or a federally financed state or local program, would otherwise pay, (a) such crime victim compensation program shall not pay that compensation; and (b) the other program shall make its payments without regard to the existence of the crime victim compensation program." Based on this language, payments received under this program shall be excluded from resources for SNAP purposes.

(17) Notwithstanding any other provision of law, the allowance paid under Pub. L. No. 104-204, (9/1996) section 1805(d), to a child of a Vietnam veteran for any disability resulting from spina bifida suffered by such child. A monthly allowance from two hundred to one thousand two hundred dollars is paid to a child under this public law.

(18) Housing and urban development (HUD) retroactive tax and utility costs subsidy payments issued pursuant to the settlement of Underwood v. Harris (Civil no. 76-0469, D.D.C.) (1/1978) against HUD, for the month in which payment was received and for the following month.

(19) Federal emergency management assistance housing subsidies to pay for temporary housing required as a result of a disaster and individual and family grant assistance payments made under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (5/2019).

(20) Disaster relief employment income received from national emergency grants under the Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, (7/2014) section 181(a)(2).

(21) Disaster unemployment assistance provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 100-707, (11/1988), to individuals unemployed as a result of a major disaster.



(22) All pensions, tax-preferred retirement plans, contracts or accounts, including but not limited to, those described in sections 401(a), 403(a), 403(b), 408, 408A, 457(b) and 501(c)(18) of the Internal Revenue Code of 1986 and the value of funds in a "Federal Thrift Savings Plan" account as provided for in 5 U.S.C. 8439 (12/2014). Pub. L. No. 113-255, also provides for the exclusion of any successor retirement accounts that are exempt from federal taxes.

(23) Filipino veterans equity compensation fund payments under the American Recovery and Reinvestment Act of 2009 (February 17, 2009, Pub. L. No. 111-5) made to certain veterans, or surviving spouses of veterans, who served in the military of the government of the commonwealth of the Philippines during World War II.

(B) What payments made to American Indians or Alaska Natives are excluded by law?

A list of funds provided to American Indians or Alaska Natives that are excluded by law can be found at:

https://fns-prod.azureedge.net/sites/default/files/resource-files/ExcludedNativeAmericanFunds_2018.pdf