



## Ohio Administrative Code

### Rule 5101:4-4-09 Food assistance: transfer of resources.

Effective: December 1, 2021

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(A) When does the county agency ask the assistance group about resources?

This rule applies to assistance groups with a member who:

- (1) Is disqualified for an intentional program violation in accordance with division 5101:6 of the Administrative Code;
- (2) Is ineligible because of a failure to comply with requirements of rules 5101:4-3-11.1, 5101:4-3-19 and 5101:4-3-09 of the Administrative Code;
- (3) In accordance with rule 5101:4-2-03 of the Administrative Code, is ineligible because of the following:
  - (a) Violating a condition of probation or parole:
  - (b) Fleeing to avoid prosecution, custody, or confinement; or
  - (c) Having a conviction of certain crimes and are out of compliance with their sentence.
- (4) Has previously been disqualified due to substantial lottery or gambling winnings and has not regained eligibility as described in rule 5101:4-6-32 of the Administrative Code.

When one of these circumstances exist, the county agency shall ask the assistance group to provide information regarding resources any assistance group member (or ineligible alien or disqualified person whose resources are being considered available to the assistance group) has transferred within the three-month period immediately preceding the date of application or recertification. The county agency must determine if the transfer of resources was appropriate. When it is determined it was an inappropriate transfer of resources, the assistance group may be



disqualified for supplemental nutrition assistance program (SNAP) benefits.

(B) How does the county agency determine an inappropriate transfer?

(1) Assistance groups that have transferred resources for the purpose of qualifying or attempting to qualify for SNAP benefits shall be disqualified from participation in the program for up to one year from the date of the discovery of the transfer.

(2) The appropriate disqualification period, as described in paragraph (D) of this rule, shall be applied when the resources are transferred knowingly in the three-month period prior to application or when they are transferred knowingly after the assistance group is determined eligible for benefits. Example: assets the assistance group acquires after being certified for benefits that are transferred to prevent the assistance group from exceeding the maximum resource limit.

(C) When is a resource transferred and considered an appropriate transfer?

(1) Resources consisting of excluded personal property such as furniture or money that, when added to other nonexempt assistance group resources, totaled less than the allowable resource limit at the time of the transfer;

(2) Resources sold or traded at or near fair market value;

(3) Resources that are transferred between members of the same assistance group (including ineligible aliens or disqualified persons whose resources are being considered available to the assistance group); and

(4) Resources that are transferred for reasons other than qualifying or attempting to qualify for SNAP benefits. Example: a parent placing funds into an educational trust fund for a dependent child.

(D) How is the disqualification period determined?

To calculate the total resources for the assistance group, start with the amount of the nonexempt transferred resources added to the other countable resources. The amount that exceeds the resource



limit is the amount used to determine the length of the disqualification period:

- (1) \$0.01 - \$249.99 disqualified for one month;
- (2) \$250.00 - \$999.99 disqualified for three months;
- (3) \$1000.00 - \$2999.99 disqualified for six months;
- (4) \$3000.00 - \$4999.99 disqualified for nine months; and
- (5) \$5000.00 and up disqualified for twelve months.

(E) How is the assistance group notified of the disqualification?

(1) After the county agency has explored, verified and determined that the assistance group has knowingly transferred resources for the purpose of qualifying or attempting to qualify for SNAP benefits during the application processing period, the county agency shall send the assistance group a notice of denial explaining the reason for and the length of the disqualification. The period of disqualification shall begin in the month of application.

(2) When the assistance group has been participating at the time of the discovery of the transfer, a notice of adverse action explaining the reason for and length of the disqualification shall be sent. The period of disqualification shall be sent effective with the first allotment issued after the adverse notice period has expired, unless the assistance group requested a fair hearing and continued benefits.