

UNOFFICIAL

HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 6 BENEFIT, EMPLOYMENT AND SUPPORT SERVICES DIVISION

CHAPTER 648

ELIGIBILITY REDETERMINATIONS

Subchapter 1 General Provisions

- §17-648-1 Purpose
- §17-648-2 Definitions

Subchapter 2 Eligibility Redetermination for Financial Assistance

- §17-648-3 General provisions for eligibility redeterminations
- §17-648-4 Specific provisions for financial assistance
- §17-648-5 Repealed
- §17-648-6 Repealed
- §17-648-7 Termination of financial assistance
- §§17-648-8 to 17-648-11 (Reserved)

Subchapter 3 Eligibility Redetermination for Food Stamp

- §17-648-12 Eligibility redetermination
- §17-648-13 Notices of action taken on recertification application
- §§17-648-14 to 17-648-16 (Reserved)

Historical Note: This chapter is based substantially upon chapter 17-627 [Eff 7/19/82; am 10/20/82; am 5/10/84; am 12/24/84; R 3/19/93] §17-719-7 [Eff 11/09/06 7/19/82; am 10/1/83; am 6/8/84; am 9/2/86; am

UNOFFICIAL

12/27/86; am 5/28/87; am 8/31/87; am 5/4/89; R 3/19/93
] §17-719-4 [Eff 7/19/82; am 10/2/82; am 10/1/83; am
7/23/86; R 3/19/93] §17-742-8 [Eff 7/19/82; am
12/17/82; R 3/19/93] §17-742-9 [Eff 7/19/82; am
12/17/82; am 6/18/87; am 11/25/88; R 3/19/93]

SUBCHAPTER 1

GENERAL PROVISIONS

§17-648-1 Purpose. This chapter establishes the circumstances, time periods, and conditions under which redeterminations of eligibility for continuing financial assistance and food stamps shall be made. [Eff 3/19/93; am 8/01/94; comp 11/09/06] (Auth: HRS §346-14) (Imp: HRS §§346-29, 346-52, 346-71; 7 C.F.R. §273.14; 42 U.S.C. §§601 through 619)

§17-648-2 Definitions. As used in this chapter: "Allotment" means the total value of food stamp benefits a household is authorized to receive each month or during another time period.

"Certification period" means a definite period of time established by the department during which the household shall be eligible for program benefits unless notified otherwise through appropriate notification procedures.

"Change in circumstance" means any event, reported or unreported to the department, which alters or changes the conditions on which eligibility for or the amount of benefits was last determined. Changes in circumstance shall include, but shall not be limited to, changes in household composition, employment, educational status, training, rehabilitation status, the source of income, the amount of income, the receipt of a resource, the amount of a resource, the recipient's needs, residence, or the severity of disability or blindness.

"Change reporting" means the reporting requirement for households who are not subject to simplified reporting, who must report a change in circumstance

UNOFFICIAL

within ten days of the date that the change becomes known to the household. "Eligibility redetermination" or "redetermination" means a redetermination of the household's eligibility to continue to receive program benefits.

"First-to-Work program or FTW" means the education, training, and work programs administered by the department.

"Simplified reporting" means the reporting requirement for households specified in section 17-650-12, to report changes as specified in section 17-650-14, no later than six months prior to the end of the certification period or eligibility review due date and to report other changes as specified in section 17-650-18, within ten days of the date the change becomes known to the household. [Eff 3/19/93; am 7/16/99; am and comp 11/09/06] (Auth: HRS §346-14) (Imp: HRS §§346-29, 346-52, 346-71; 7 C.F.R. §§271.2, 273.12; 42 U.S.C. §§601 through 619)

SUBCHAPTER 2

ELIGIBILITY REDETERMINATION FOR FINANCIAL ASSISTANCE

§17-648-3 General provisions for eligibility redeterminations. (a) After an individual has been initially determined eligible for financial assistance, the individual's eligibility shall be redetermined:

- (1) Annually ; or
- (2) Semi-annually if the individual is receiving food stamp benefits and has a six-month food stamp certification period; and
- (3) When the department determines an eligibility redetermination is required on the basis of information the department has obtained about anticipated changes in the individual's situation.

(b) An eligibility redetermination interview shall be required either annually or semi-annually as specified in subsection (a), for all financial assistance recipients.

UNOFFICIAL

(c) To continue receiving financial assistance at the time an eligibility redetermination is due, all recipients of financial assistance shall:(1) Complete an eligibility redetermination form prescribed by the department;

- (2) Provide information supported by documents to establish eligibility;
- (3) Be determined to be in need according to the department's appropriate standard of assistance; and
- (4) Meet the categorical and eligibility requirements for the financial assistance program.

(d) The recipient who fails to meet all of the eligibility factors or fails to cooperate with the department by providing the information and verification necessary to determine eligibility for financial assistance by department deadlines, or fails to apply for and develop potential sources of income and assets, shall be ineligible for financial assistance. [Eff 3/19/93; am and comp 11/09/06] (Auth: HRS §346-14) (Imp: HRS §§346-29, 346-52, 346-71; 42 U.S.C. §§601 through 619)

§17-648-4 Specific provisions for financial assistance. (a) Eligibility redeterminations shall be required as specified in section 17-648-3, but shall not be conducted less frequently than every twelve months from the initial determination or from the last redetermination.

(b) For AFDC, the recipient's eligibility for a First-to-Work exemption shall be redetermined:

- (1) As a part of the eligibility redetermination for financial assistance under the AFDC program; and
- (2) Whenever a change in circumstance occurs even though the change does not require a complete eligibility redetermination;

except where the individual is sixty-five years of age or older or is permanently incapacitated.

(c) The eligibility worker shall verify that the case record contains a social security number for each recipient, including children. If the case record does

UNOFFICIAL

not contain a social security number for each recipient, the eligibility worker shall follow the provisions of chapter 17-655, on obtaining a social security number. [Eff 3/19/93; am 1/25/97; am and comp 11/09/06] (Auth: HRS §346-14) (Imp: HRS §346-262; 42 U.S.C. §§601 through 619)

§17-648-5 REPEALED. [R 11/09/06]

§17-648-6 REPEALED. [R 11/09/06]

§17-648-7 Termination of financial assistance.

(a) Any recipient who does not meet the applicable general and specific conditions of eligibility at the time of an eligibility redetermination, shall have their financial assistance terminated.

(b) If an eligibility redetermination is not completed because of the recipient's failure to return a completed eligibility redetermination form to the department, financial assistance to the recipient shall be terminated.

- (1) Recipients shall be allowed a maximum of ten days from the date the annual or semi-annual eligibility redetermination form is mailed or given to the recipient to complete and to return the completed form to the department.
- (2) An individual whose financial assistance is terminated because of the individual's failure to return a completed eligibility redetermination form shall be required to reapply for financial assistance if the individual wants benefits restored by submitting a completed application or eligibility redetermination form prescribed by the department. The reapplication shall be processed in accordance with requirements specified in chapter 17-647. [Eff 3/19/93; am and comp 11/09/06] (Auth: HRS §346-14) (Imp: HRS §§346-29, 346-52, 346-71; 42 U.S.C. §§601 through 619)

UNOFFICIAL

§§17-648-8 to 17-648-11 (Reserved).

SUBCHAPTER 3

ELIGIBILITY REDETERMINATION FOR FOOD STAMP

§17-648-12 Eligibility redetermination. (a) The department shall act on applications for redeterminations as follows:

- (1) The department shall complete the application process if the household meets all requirements and finishes the necessary processing steps and approve or deny timely applications for redetermination prior to the end of the household's current certification period;
- (2) An eligible household shall be provided an opportunity to participate by its normal issuance cycle in the month following the end of its current certification period. However, the household shall lose its right to uninterrupted benefits for failure to attend any interview scheduled on or after the deadline for timely filing of the application for redetermination as specified in subsection (c) or to submit all necessary verification within the time provided by the department as long as that time elapses after the deadline for filing a timely application for redetermination. Although the household loses its right to uninterrupted benefits for such failures, the household shall not be denied at that time, unless it refused to cooperate or the certification period has lapsed. If the household loses its right to uninterrupted benefits due to these failures, the department, at a minimum, shall provide benefits within thirty days after the date the application was filed;
- (3) Denials, including those for failure to complete the interview or timely provide missing verification, shall be completed either by the end of the current certifi

UNOFFICIAL

- cation period or within thirty days after the date the application was filed as long as the household has had adequate time for providing the missing verification;
- (4) The department shall not continue benefits due to the household beyond the certification period unless the household has been recertified.
- (b) The department shall provide each household with notification of the end of its certification and the need to be recertified as follows:
- (1) Each household shall be provided with a notice of expiration at the end of its certification prior to the last month of the household's certification period except for the financial assistance households whose applications were jointly processed for food stamp and money payment benefits. These financial assistance households need not receive notices of expiration if they are recertified for food stamps at the same time as their financial assistance redeterminations, provided the redeterminations occur prior to the last month of their food stamp certification periods;
 - (2) A household entitled to receive a notice of expiration shall receive it not earlier than the first day nor later than the last day of the month preceding the household's last month of certification. If the department is unable to provide the notice of expiration within the given time frames because the household is certified for one month or the household is certified for two months in the second month of certification, the notice of expiration shall be provided at the time of certification;
 - (3) The department shall include with the notice of expiration a scheduled appointment for an interview and an application or eligibility redetermination form. Regardless of when the interview date is assigned, if the application or the redetermination form is received within the time frames as specified

UNOFFICIAL

in subsection (c), the household shall be considered to have timely applied.

(c) Timely application for redetermination shall be as follows:

- (1) Change reporting households that are certified for one month or certified for two months in the second month of certification shall have fifteen days from the date the notice of expiration is received to file a timely application for redetermination;
- (2) All other households which submit identifiable applications by the fifteenth day of the last month of certification period shall be considered to have made a timely application for redetermination;
- (3) If the household does not submit an application or eligibility redetermination form in accordance with this subsection, the department need not initiate any further action.

(d) In order to retain its right to uninterrupted benefits, the household receiving a notice of expiration shall attend any interview scheduled by the department on or after the date an application is timely filed.

- (1) The department may schedule the interview prior to the date the application is timely filed, provided the household is not denied for failing to appear for that interview;
- (2) The department shall schedule the interview on or after the date the application was timely filed if the interview has not been previously scheduled, or the household had failed to appear for any interview scheduled prior to this time and has requested another interview;
- (3) If the household submits a timely application, but does not appear for any interview scheduled in accordance with this subsection, the department shall send the household a notice of denial due to the missed interview.

UNOFFICIAL

(e) Households shall be allowed a minimum of ten calendar days to provide necessary verifications. The ten days shall start with the first day following the date the initial request for the particular verification which is missing. Households which timely reapply shall not lose the right to uninterrupted benefits for failure to provide any requested verification prior to the date the household submits a timely application for redetermination. Households shall be informed of the procedure for submitting missing verifications.

(f) The department shall act to provide uninterrupted benefits to any household determined eligible after the household timely filed an application, attended an interview in accordance with subsection (d) and submitted all necessary verification within the required time frame. The department shall take action to provide uninterrupted benefits within the following time standards even if, to meet these standards, the department shall provide an opportunity to participate outside the normal issuance cycle:

- (1) Households that were certified for one month or certified for two months in the second month of the certification period and have met all required application procedures shall be notified of their eligibility or ineligibility and, if eligible, shall be provided an opportunity to participate no later than thirty calendar days after the date the household had an opportunity to obtain its last allotment;
- (2) For all other households that have met all required application procedures, the department shall approve or deny the application and notify the household of its determination by the end of the current certification period;
 - (A) For households determined eligible, the department shall provide an opportunity to participate by the household's normal issuance cycle in the month following the end of its current certification period;
 - (B) Any household not determined eligible in sufficient time to provide

UNOFFICIAL

for issuance in the above time frame due to the time period allowed for submitting any missing verification shall receive an opportunity to participate, if eligible, within five working days after the household supplies the missing verification;

- (C) Households which have timely submitted an application for redetermination but, due to department error, are not determined eligible in sufficient time to provide for issuance by the household's next normal issuance cycle shall receive an immediate opportunity to participate upon being determined eligible.

(g) An eligible household which has filed a timely application for redetermination and which has not been provided with an opportunity to participate in accordance with subsection (f) due to department error shall be entitled to restoration of lost benefits if, as a result of such error, the household was unable to participate for the month following the expiration of the certification period.

(h) A household which submits a timely application for redetermination and meets all other processing steps in a timely manner shall have the right to receive uninterrupted benefits. However, households shall not be entitled to receive uninterrupted benefits in the following instances:

- (1) A household which fails to appear for an interview in accordance with the requirements of subsection (d);
- (2) A household which fails to submit any missing verification within the time limit given by the department in accordance with subsection (e); or
- (3) A household which submits a timely application for redetermination but is either untimely interviewed due to the fault of the household for rescheduling the interview beyond a reasonable time period which prevents the department

UNOFFICIAL

to process the application timely or submits all verification in an untimely manner.

(i) For households meeting the conditions of subsection (h) and subsequently determined to be eligible for food stamps, the department, at a minimum, shall provide the household an opportunity to participate within thirty calendar days after the date the application was filed. If the department is unable to provide an eligible household with an opportunity to participate within thirty calendar days after the date the application was filed due to the time period allowed for submitting any missing verification, the department shall provide the household an opportunity to participate within five working days after the date the household supplies the missing verification.

(j) Except for migrant or seasonal farmworkers, a household shall have its benefits prorated from the date of application if there has been a break in its participation in the food stamp program. [Eff 3/19/93; am 8/18/94; am 10/16/95; am 10/28/96; am and comp 11/09/06] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.14)

§17-648-13 Notices of action taken on recertification application. (a) A household that has filed an application by the fifteenth of the last month of the household's certification period shall be provided with either a notice of eligibility or a notice of denial by the end of the current certification period.

(b) A household that has received a notice of expiration at the time of certification and which has timely reapplied, shall be provided with either a notice of eligibility or a notice of denial not later than thirty days after the date the household had an opportunity to obtain its last allotment. [Eff 3/19/93; comp 11/09/06] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.10(g)(2))

§§17-648-14 to 17-648-16 (Reserved).