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Sequence Number: 11-10-09
Rule ID(s): 4531-4532
File Date: 11/09/2009
Effective Date: 02/07/2010

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. TCA Section 4-5-205

Agency/Board/Commission:	Tennessee Department of Human Services
Division:	Family Assistance
Contact Person:	Phyllis Simpson
Address:	Office of General Counsel Citizens Plaza Building, 10th Floor 400 Deaderick Street Nashville, Tennessee 37243-1403
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Revision Type (check all that apply):
✔ Amendment
___ New
___ Repeal

Rule(s) Revised (**ALL** chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only **ONE** Rule Number/Rule Title per row)

Chapter Number	**Chapter Title**
1240-01-02	Family Assistance Unit - Food Stamp Program
Rule Number	**Rule Title**
1240-01-02-.02	Household Concept – Food Stamps Only

Chapter Number	**Chapter Title**
1240-01-04	Financial Eligibility Requirements
Rule Number	**Rule Title**
1240-01-04-.27	Standards of Need/Income

Chapter 1240-01-02
Family Assistance Unit
Food Stamp Program

Amendments

Rule 1240-01-02-.02 Household Concept – Food Stamps Only, is amended by deleting Part 5 under Subparagraph (a) Paragraph (1), and by substituting the following language, so that, as amended, Part 5 Paragraph (1), Subparagraph (a) shall read as follows:

5. An individual who is sixty (60) years of age or older (and the spouse of such individual) who lives with others and who is unable to purchase and prepare meals separately because he/she suffers from a disability considered permanent under the Social Security Act or some other non-disease-related severe permanent disability. In order for this individual and spouse to be eligible for separate household status, the combined gross income of all others with whom the individual resides (excluding the individual and his/her spouse's income) cannot exceed one hundred sixty-five percent (165%) of the poverty level as shown in the Table below:

No. of Persons in Household	1	2	3	4	5	6	7	8	9	10
165% of Poverty	$1490	$2004	$2518	$3032	$3547	$4061	$4575	$5089	$5604	$6119

For each additional member add $515

Authority: T.C.A. §§ 4-5-201 et seq.; T.C.A. § 4-5-202; T.C.A. §§ 71-1-105 and 71-5-304; 7 U.S.C.A. § 2014; and 7 C.F.R. §§ 273.1, 273.1(b)(2), 273.9, and 273.10.

Chapter 1240-01-04
Financial Eligibility Requirements

Amendments

Rule 1240-01-04-.27 Standards of Need/Income, is amended by deleting Table I under Paragraph (1) Subparagraph (a) Part 2 in its entirety, and by inserting a new Table I, so that, as amended, Table I shall read as follows:

Table I

No. of Persons in Household	1	2	3	4	5	6	7	8	9	10
Gross Income Standard	$1174	$1579	$1984	$2389	$2794	$3200	$3605	$4010	$4416	$4822

For each additional member add $406

Rule 1240-01-04-.27 Standards of Need/Income, is amended by deleting Table II under Paragraph (1) Subparagraph (b) Part 2 in its entirety, and by inserting a new Table II, so that, as amended, Table II shall read as follows:

Table II

No. of Persons in Household	1	2	3	4	5	6	7	8	9	10
Maximum Net Income	$903	$1215	$1526	$1838	$2150	$2461	$2773	$3085	$3397	$3709

For each additional member add $312

Rule 1240-01-04-.27 Standards of Need/Income, is amended by deleting Table IV-A and Table IV-B under Paragraph (1) Subparagraph (d) in their entirety, and by inserting a new Table IV-A and Table IV-B, so that, as amended, Subparagraph (d) Table IV-A and Table IV-B under Paragraph (1) shall read as follows:

(d)

Table IV-A
Standard Deduction

Household Size	1	2	3	4	5	6+
Standard Deduction	$141	$141	$141	$153	$179	$205

Table IV-B
Food Stamp Deductions

Maximum Dependent Care	No Limit
Maximum Shelter Deduction for Non-Elderly/Disabled Households	$459
Maximum Shelter Deduction for Elderly/Disabled Households	No Maximum

Authority: T.C.A. §§ 4-5-201 et seq.; T.C.A. § 4-5-202; T.C.A. §§ 71-1-105 and 71-5-304; 7 U.S.C.A. § 2014 and 2017(a); 7 C.F.R. §§ 273.9 and 273.10.

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Department of Human Services on 10/27/2009, and is in compliance with the provisions of TCA 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 08/20/09

Rulemaking Hearing(s) Conducted on: (add more dates). 10/13/09

DEBRA E BATTS
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY
My Commission Expires May 22, 2010

Date: October 27, 2009

Signature: Phyllis Simpson

Name of Officer: Phyllis Simpson
Assistant General Counsel

Title of Officer: Tennessee Department of Human Services

Subscribed and sworn to before me on: October 27, 2009

Notary Public Signature: Debra E. Batts

My commission expires on: May 22, 2010

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

RECooper

Robert E. Cooper, Jr.
Attorney General and Reporter

11-6-09
Date

Department of State Use Only

Filed with the Department of State on: 11/9/09

Effective on: 2/7/10

Tre Hargett

Tre Hargett
Secretary of State

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SECRETARY OF STATE
PUBLICATIONS

Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. §4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

Date(s), Time(s) and Place(s) of Public Hearing(s): October 13, 2009, 1:30 p.m. CDT, Department of Human Services, 2nd Floor Board Room, Citizens Plaza Building, 400 Deaderick Street, Nashville, Tennessee 37243.

A public hearing was held on the date, time and place noted above by the Department of Human Services to receive comments regarding amendments to the above-referenced rules. No comments were received.

Regulatory Flexibility Addendum

Pursuant to T.C.A. § 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

The United States Department of Agriculture establishes standards of eligibility for participation by households in the Food Stamp Program pursuant to 7 U.S.C. § 2014. For purposes of Acts 2007, Chapter 464, the Regulatory Flexibility Act, the Department of Human Services certifies that these rulemaking hearing rules substantially codify existing federal law, such that, pursuant to Section 6 of the Regulatory Flexibility Act, the Regulatory Flexibility Act's provisions do not apply to these rules. In addition, these rulemaking hearing rules do not appear to affect small businesses as defined in the Act because these rules are related to the determination of eligibility and provision of benefits to individuals and households who file an application for them. These rules do not regulate or attempt to regulate businesses.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to TCA 4-5-226(i)(1).

(A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

Rule 1240-01-02-.02(1)(a)5. This revision reflects the increase in the 165% of the federal poverty level. This standard is used to determine eligibility for separate household status for elderly and disabled recipients, and is set by the federal government.

Rule 1240-01-04-.27. This revision changes Tables I through IV-B (except for Table III, the Food Stamp Allotment Table, which was increased effective April 1, 2009 due to the American Recovery and Reinvestment Act of 2009 and did not receive an increase at this time) to reflect increases in the Gross Income Standard, Maximum Net Income Standard, a decrease in the Standard Deduction amount for households containing 1 to 3 people, an increased Standard Deduction amount for larger households, and an increase in the Maximum Shelter Deduction for non-elderly or disabled households effective for October 1, 2009. These amounts are set by the federal government.

(B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

T.C.A. §§ 4-5-201 et seq.; 71-1-105 and 71-5-304; 7 USC §§ 2014 and 2017(a); 7 C.F.R. § 273.1(b)(2), 7 C.F.R. 273.9 and 7 C.F.R. 273.10.

(C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Rule 1240-01-02-.02(1)(a)5. Any current or future food stamp households with elderly or disabled members.

Rule 1240-01-04-.27. All current and potential recipients of the Food Stamp Program.

A rulemaking hearing was held on October 13, 2009. No comments urging adoption or rejection of this rule were received.

(D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

None

(E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars ($500,000), whichever is less;

No increase or decrease in state or local expenditures.

Since food stamp purchases are exempt from state and local sales tax, there would be no increase in state and local revenue.

(F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Sandra Ramsey, Program Manager, Food Stamp Policy
Tennessee Department of Human Services
Citizens Plaza Bldg., 12th Floor
400 Deaderick Street

Nashville, TN 37243
(615) 313-5652

(G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Sandra Ramsey, Program Manager, Food Stamp Policy
Tennessee Department of Human Services
Citizens Plaza Bldg., 12th Floor
400 Deaderick Street
Nashville, TN 37243
(615) 313-5652

Richard Dobbs, Director, Food Stamp Policy
Tennessee Department of Human Services
Citizens Plaza Bldg., 12th Floor
Nashville, TN 37243
(615) 313-5652

Phyllis Simpson, Assistant General Counsel
Department of Human Services, Citizens Plaza, 10th Floor
400 Deaderick Street
Nashville, Tennessee 37243
(615) 313-2266

(H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Sandra Ramsey, Program Manager, Food Stamp Policy
Tennessee Department of Human Services
Citizens Plaza Bldg., 12th Floor
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Department of Human Services, Citizens Plaza, 10th Floor
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(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

N/A