



Administrative Policies and Procedures: 24.07

Subject Supplemental Nutrition Assistance Program (SNAP) Non-household Members and Excluded Household Members

Approved by

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Authority

7 CFR §273.1; 7 CFR §273.11

Tenn. Comp. R. & Regs. 1240-01-2-.02; 1240-01-02.02(4)

Application

TDHS Family Assistance Staff and Contractors

Policy Statement

Tennessee Department of Human Services (TDHS) Family Assistance staff must be able to identify individuals who are considered either a non-household member or an excluded household member to determine SNAP eligibility.

Purpose

The purpose of this policy is to provide procedures and guidelines to assist in identifying who is considered either a non-household member or an excluded household member for the purposes of determining eligibility for Supplemental Nutrition Assistance Program (SNAP) along with how to treat the resources, income, and deductions of these household members.

Procedures

A. Non-Household Members

Certain individuals residing with a household (HH) are not considered HH members when determining the HH's eligibility and allotment amount. These non-HH members, may participate as separate HHs, if otherwise eligible.

The following individuals are considered non-household (HH) members:

1. Roomers
2. Live-In Attendants
3. Boarders

4. Ineligible students –For more information regarding ineligible students please refer to [Policy 24.27 SNAP Students in Higher Education](#).
5. Other non-HH members – Other individuals who live in the HH but do not customarily purchase food and prepare meals with the HH are considered non-HH members.

B. Roomers

1. A roomer is an individual to whom a HH furnishes lodging, but not meals, for compensation.
2. Staff may refer to [Scenarios for Non-Household Members](#) for an example scenario.

C. Live-In Attendant

1. A live-in attendant is an individual who resides with a HH to provide medical, housekeeping, child care, or other similar personal services.
2. Staff may refer to [Scenarios for Non-Household Members](#) for an example scenario.

D. Boarders in the SNAP Household

A boarder is an individual residing with others to whom he/she is paying reasonable compensation for lodging and meals.

1. A HH in which a boarder resides may participate in SNAP if he or she meets all of the eligibility requirements.
2. The amount of payment that the boarder gives the HH is self-employment income.
3. Boarders are ineligible to participate in Supplemental Nutrition Assistance Program (SNAP) separate and apart from the HH providing the room and board. However, they may participate as members of the HH providing the room and board, only at the HH's request. If included they are considered HH members and their income and resources would count entirely.
4. Boarder status can only be granted to individuals who pay "reasonable" compensation for room and board.
 - a. To determine reasonable compensation for boarders use only the amount paid for meals to determine if the individual pays reasonable compensation, provided that the amount paid for meals is distinguishable from the amount paid for lodging.
 - b. For individuals whose board arrangement is for more than two meals per day, "reasonable compensation" must be an amount that equals or exceeds the maximum SNAP allotment for the appropriate size of the boarder HH.
 - c. For individuals whose board arrangement is for two (2) meals or less per day, "reasonable compensation" must be an amount that equals or exceeds two-thirds of the maximum SNAP allotment for the appropriate size of the boarder HH.
5. Refer to [Treatment of Income, Resources, and Deductible Expenses of Non-Household Members](#) on how to treat the income and resources of boarders who are non-HH members.

E. Individuals Who Cannot Be Considered

The following individuals cannot be granted non-HH status:

Non-Household Members

1. A group of individuals who live together and customarily purchase food and prepare meals together for home consumption;
2. Children under age twenty-two (22) who are living with their parents;
3. Children under age eighteen (18) who are under the parental control of an adult HH member; and
4. A spouse of a member of the HH.

F. Treatment of Income, Resources, and Deductible Expenses of Non-Household Members

Refer to [Treatment of Income, Resources, and Deductible Expenses of Non-Household Members](#) for guidance on how to address the treatment of income, resources, and deductible expenses for non-HH members.

G. Excluded Household Members

There are instances when certain HH members need to be identified as excluded from participation in SNAP either as members of the HH or as separate HHs. These are:

1. Ineligible aliens or individuals with questionable citizenship;
2. Individuals disqualified because of failure to provide or apply for a social security number (SSN);
3. Individuals disqualified for intentional program violation (IPV);
4. Individuals disqualified for non-compliance with the work requirements, including voluntary quit;
5. Individuals convicted of trafficking in SNAP benefits in the amount of \$500 or more;
6. Individuals who have been convicted of a violation by a Federal, State or local court of trading SNAP benefits for a controlled substance;
7. Individuals who have a violation based upon a finding by a Federal, State or local court of trading firearms, ammunition, or explosives for SNAP benefits;
8. Individuals convicted by a court, Administrative Disqualification Hearing (ADH), Administrative Disqualification Waiver (ADW), or a disqualification consent agreement of having made a fraudulent statement or representation with respect to identity or residence in order to receive multiple benefits simultaneously;
9. Individuals convicted of Federal aggravated sexual abuse, murder, sexual exploitation and abuse of children, sexual assault, or similar State laws regarding these types of convictions, **and** who are also not in compliance with the terms of their sentence or parole;
10. Individuals who are fleeing felons or probation/parole violators;
 - Refer to [Fleeing Felons](#) for guidance on how to treat fleeing felons.
11. Ineligible able-bodied adults without dependents (ABAWD);
12. Individuals convicted under federal or state law of a felony drug offense which occurred after August 22, 1996 and which involved the possession, use, or distribution of a controlled substance, unless the individual is complying with or has already complied with all obligations (including any substance abuse treatment requirements) imposed by the criminal court,

and provide proof of one of the following in regards to the most recent drug-related conviction:

- a. Verification that the individual is currently participating in a substance abuse treatment program approved by TDHS;
- b. If the individual is not actively participating in a substance abuse treatment program approved by TDHS, is currently enrolled in such a program, but is on a waiting list for participation, and enters the treatment program at the first opportunity; or
- c. Verification that the individual has satisfactorily completed a substance abuse program approved by TDHS; or
- d. Verification that an individual has been determined by the Tennessee Department of Mental Health and Substance Abuse Services (TDMHSAS) to not need substance abuse treatment according to TennCare guidelines.
 - i. A listing of such programs may be found on the Tennessee Department of Health's webpage under the [Substance Abuse Treatment Provider Directory](#).
 - ii. Other treatment programs not covered in this definition may be considered on a case-by-case basis by contacting the SNAP Policy Unit in the state office.
- e. Individuals that received treatment in a state other than Tennessee, this definition extends to a substance abuse treatment program licensed or approved by the appropriate state agency where the individual received treatment. Other treatment programs not covered by this definition may be considered on a case-by-case basis by contacting the SNAP Policy Unit.
- f. Exemption from disqualification from program participation does not apply to persons convicted of a Class A drug-related felony (or its equivalent if convicted in another state).
- g. Individuals with a judicial diversion for Class E felony drug charges, who are cooperating with the court or have successfully completed the probationary period, are eligible to receive SNAP benefits if other eligibility criteria are met. These individuals are not required to meet the eligibility criteria for non-Class A felons, unless the requirements are imposed by the court.

H. Treatment of Income, Resources, and Deductions of Excluded Household Members in Determining Financial Eligibility

There are certain ways to treat the resources, income, and deductible expenses of excluded HH members. On the ways to treat the income, resources, income and deductible expenses of excluded HH members, refer to [Treatment of Income, Resources, Income, and Deductible Expenses of Excluded HH Members](#).

I. Length of Penalty

1. Individuals found to have made a fraudulent statement of representation with respect to identity or residence in order to receive multiple benefits simultaneously are disqualified for ten (10) years.

2. If determined to be a fleeing felon or a probation/parole violator, the individual is disqualified for the duration of time they are considered fleeing or in violation.
3. If the individual has a first (1st) violation with a finding by a federal, state, or local court for the trading of benefits for a controlled substance, the individual is disqualified for a period of twenty-four (24) months.
4. An individual who has a second (2nd) violation with a finding by a federal, state, or local court for the trading of benefits for a controlled substance; first violation based upon a finding by a federal, state, or local court for the trading of firearms, ammunition, or explosives for benefits; convicted of a felony offense which occurred after August 22, 1996 and involving the possession, use or distribution of a controlled substance, except as provided in the section entitled, Section G Excluded Household Member. is permanently disqualified from SNAP.
5. Individuals found by a federal, state, or local court to have used or received benefits in a transaction involving the sale of firearms, ammunition, or explosives shall be permanently ineligible to participate upon the first occasion of such violation.
6. Individuals convicted by a federal, state, or local court of having trafficked benefits for an aggregate amount of five hundred dollars (\$500) or more shall be permanently ineligible to participate upon the first occasion of such violation.

Forms

None

Collateral Documents

[Policy 24.27 SNAP Students in Higher Education](#)

[Scenarios for Non-Household Members](#)

[Treatment of Income, Resources, and Deductible Expenses of Non-Household Members](#)

[Fleeing Felons](#)

[Treatment of Income, Resources, and Deductible Expenses of Excluded Household Members](#)

Additional Resources

[Substance Abuse Treatment Provider Directory](#)

Retention of Records

[RDA Summary for Policy 24.07 SNAP Non-Household Members and Excluded Members](#) (For internal use only)

Glossary

Term	Definition
Boarders	An individual residing with others to whom he/she is paying reasonable compensation for lodging and meals.
Contractor	A person or entity performing specified tasks outlined in a written contract between themselves and the Tennessee Department of Human Services.
Live-in Attendants	An individual who resides with a household to provide medical, housekeeping, child care, or other similar personal services.
Non-household members	An individual(s) residing within a household that is not considered a household member when determining eligibility and allotment amount for SNAP.
Roomers	An individual to whom a household furnishes lodging, but not meals, for compensation.
Substance Abuse Treatment Program	Substance abuse program licensed by the Tennessee Department of Mental Health and Substance Abuse Services.

Acronyms

Abbreviation	Expansion
ADH	Administrative Disqualification Hearing
HH	Household
IPV	Intentional Program Violation
SNAP	Supplemental Nutrition Assistance Program
SSN	Social Security Number
TDOH	Tennessee Department of Health
TDHS	Tennessee Department of Human Services
TDMHSAS	Tennessee Department of Mental Health and Substance Abuse Services