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360.010: Purpose

The purpose of the Supplemental Nutrition Assistance Program (SNAP) is to raise the nutritional level among low income households whose limited food purchasing power contributes to hunger and malnutrition among these households.

360.020: Authority

The authority for the regulations is the Food Stamp Act and its amendments and the resulting regulations issued by the United States Department of Agriculture (USDA) in Chapter 7 of the Code of Federal Regulations, Parts 270 through 282, to implement the law.

360.030: Definitions

(A) Household: Any individual or group whose income and/or assets must be used to calculate SNAP benefits levels.

(B) EBT (Electronic Benefit Transfer): The primary way the Department delivers SNAP benefits to clients.

(C) SNAP Benefits: Any coupon, stamp, certificate, voucher, authorization card, access device including an electronic benefit card and personal identification number, or SNAP payment in the form of cash or a check for the purchase of eligible food.

(D) Homeless Individual: An individual who lacks a fixed and regular nighttime residence or whose primary nighttime residence is:

(1) A supervised shelter designed to provide temporary accommodations;

(2) A halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized;

(3) A temporary accommodation in the residence of another individual for no more than 90 days; or

(4) A place not designed for or ordinarily used as a regular sleeping accommodation for people (a hallway, a bus station, a lobby or similar place).

(E) Household Disaster: An emergency situation declared a disaster by the President or the Federal Emergency Management Agency. Disasters are defined as, but are not limited to, floods, hurricanes, earthquakes or fires.

(F) Household Misfortune: A loss of food due to, but not limited to, loss of power, fire or flood that is not declared a disaster by the President or the Federal Emergency Management Agency.

(G) Means-Tested Program: The following are federal or state means-tested programs (*i.e.*, income is a factor in determining eligibility): Supplemental Nutrition Assistance Program (SNAP), Transitional Assistance to Families with Dependent Children (TAFDC), Emergency Aid to the Elderly, Disabled and Children (EAEDC), Emergency Assistance (EA), Supplemental Security Income (SSI), State Supplement Program (SSP) to SSI, Medicaid, State Child Health Insurance (SCHIP), Temporary Assistance for Needy Families (TANF), Food Assistance Programs in Puerto Rico, American Samoa and the Northern Mariana Islands (CNMI) and Veterans' Service benefits.

(H) Month: A cyclical month determined by the last digit of the Social Security number of the head of the household, unless otherwise specified.

360.100: Uses of SNAP Benefits

SNAP benefits are to be used by clients to buy eligible foods, including seeds and plants, for home consumption and use. The household may permit other persons to purchase food for the household. Such persons need not be pictured on the EBT card. Households are not required to have cooking facilities to receive SNAP.

360.120: Special Uses of SNAP Benefits

Certain households have been authorized to use their SNAP benefits to buy prepared meals or to make it less difficult to obtain food. These authorized special uses of SNAP benefits are:

(A) Communal Dining

(1) Eligible Household Members

Eligible household members 60 years of age or over or Supplemental Security Income (SSI) recipients and their spouses may use SNAP benefits to buy meals prepared especially for them at communal dining facilities authorized by the Food and Nutrition Service (FNS) for that purpose.

(2) Communal Dining Facilities

A communal dining facility is a public or nonprofit private establishment, approved by FNS, that prepares and serves meals for elderly persons, or for SSI recipients and their spouses. These facilities include senior citizen centers, apartment buildings occupied primarily by elderly persons and SSI recipients and their spouses, and federally subsidized housing for the elderly at which meals are prepared for and served to the residents.

(B) Meals on Wheels

(1) Eligible Household Members

Eligible household members 60 years of age or over or members who are housebound or otherwise disabled to the extent that they are unable to adequately prepare all their meals, and their spouses' meals, may use all or part of the SNAP benefits to buy meals from a nonprofit meal delivery service authorized by FNS.

(2) Types of Services

Meal delivery service may be provided by a political subdivision, a private nonprofit organization, or a private establishment with which a State or local agency has contracted and which is authorized by FNS.

(C) Food Purchases for Residents of Drug or Alcohol Treatment and Rehabilitation Centers

Members of eligible households who are narcotic addicts or alcoholics and who regularly participate in a drug or alcoholic treatment and rehabilitation program may use SNAP benefits to purchase food provided for them during the course of such programs by an organization or institution meeting the requirements of 106 CMR 365.610, if one of the following is true:

(1) the organization or institution is authorized by FNS to redeem SNAP benefits through wholesalers;

(2) the organization or institution redeems SNAP benefits at retail food stores as the authorized representative of participating households; or

(3) the organization or institution is authorized by FNS as a retailer.

(D) Meal Purchases for Residents of Group Living Arrangements

Eligible residents of group living arrangement facilities who are blind or disabled as defined in 106 CMR 361.210 and acting on their own behalf may use SNAP benefits to buy meals prepared and served at the facility especially for them, if:

(1) the facility is authorized by FNS to transact SNAP benefits through wholesalers;
(2) the facility transacts SNAP benefits at retail food stores as the authorized representative of participating households; or
(3) the organization or institution is authorized by FNS as a retailer.

(E) Meal Purchases for Residents of Shelters for Battered Individuals and Their Children

Residents of shelters for battered individuals and their children, as defined in 106 CMR 365.550, may use their SNAP benefits to buy meals prepared by the shelter if:

(1) the shelter is authorized by FNS to transact ~~the~~ SNAP benefits through wholesalers;
(2) the shelter transacts SNAP benefits at retail food stores as the authorized representative of participating households; or
(3) the organization or institution is authorized by FNS as a retailer.

(F) Meals for Homeless Households

Eligible households not living in permanent dwellings or having no fixed mailing addresses may use all or part of the SNAP benefits for meals prepared and served by a public or private nonprofit establishment (e.g., homeless meal provider, soup kitchen, temporary shelter) approved by an appropriate state or local agency to feed homeless individuals and authorized by FNS as a retail food outlet.

360.200: Nondiscrimination

The Department shall not discriminate against any applicant or participant in any aspect of program administration including, but not limited to, the certification of households, the issuance of SNAP benefits, the conduct of fair hearings or the conduct of any other program service for reasons of age, race, color, sex, disability, religious creed, national origin, political beliefs, gender identity, reprisal and, where applicable, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program in any program or activity conducted or funded by the U. S. Department of Agriculture (USDA).

360.210: Right to File a Complaint

Individuals who believe they have been subject to discrimination as specified in 106 CMR 360.200 may file a written complaint with the Secretary of Agriculture, the Administrator of FNS, Washington, D.C. 20250, and/or with the Department's Director of Equal Opportunity. The worker shall explain both the FNS and Department's complaint system to each individual who expresses an interest in filing a discrimination complaint and shall advise the individual of the right to file a complaint in either or both systems.

Individuals who wish to file a Civil Rights program complaint of discrimination, can complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. He or she may also write a letter containing all of the information requested in the form. He or she must send the completed complaint form or letter by mail to U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax at (202) 690-7442 or email at program.intake@usda.gov. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer.

Individuals may also file a complaint with Massachusetts Commission Against Discrimination, One Ashburton Place, Sixth Floor, Room 601, Boston, MA 02108; Phone: (617) 994-6000; TTY: (617) 994-6196.

360.220: Complaint Requirements

(A) Complaints shall contain the following information to facilitate investigations:
  (1) name, address and telephone number or other means of contacting the person alleging discrimination;
  (2) location and name of the organization or office accused of discriminatory practices;
  (3) the nature of the incident or action or the aspect of program administration that led the person to allege discrimination;
  (4) the reason for the alleged discrimination (e.g., age, race, color, sex, disability, religious creed, national origin or political belief);
  (5) names, titles and addresses of persons who may have knowledge of the alleged discriminatory acts; and
  (6) the date or dates on which the alleged discriminatory actions occurred.

(B) If a complainant makes allegations verbally and is unable or reluctant to put the allegations in writing, the worker to whom the allegations are made shall document the complaint in writing and forward the complaint within 10 working days to the Director of Equal Opportunity, Department of Transitional Assistance, 600 Washington Street, Boston, MA 02111.

(C) Complaints will be accepted even if the information specified in 106 CMR 360.220(A) is not complete. However, investigations will be conducted only if information concerning 106 CMR 360.220(A) (2), (3) and (4) of this section is provided.

(D) A complaint must be filed no later than 180 days from the date of the alleged discrimination. However, the time for filing may be extended by the Secretary of Agriculture or the Commissioner of the Department or designee.

360.230: Public Notification

The Department shall:

(A) publicize the procedures described in 106 CMR 360.210 and, if applicable, the Department's complaint procedures;

(B) ensure that all offices involved in both administering the program and serving the public shall display the nondiscrimination poster provided by FNS; and

(C) ensure that participants and other low-income households have access within 10 days of the date of a request for information about the nondiscrimination statutes and policies, complaint procedures and the rights of clients.

360.240: Racial - Ethnic Data Collection

The Department shall obtain racial and ethnic data on households in the manner specified by FNS. Applicants shall be asked to identify voluntarily their race or ethnicity on the application form. When the information is not voluntarily provided on the application form, alternative methods of gathering the data, such as observation during the interview, will be employed.

360.250: Department Obligations Under Title II of the Americans With Disabilities Act (ADA) (42 U.S.C. 12131, et. seq., 28 CFR 35.101, et seq.)

(A) Definitions:

(1) Disability under the ADA is defined as:

(a) a physical or mental impairment which substantially limits one or more major life activities of an individual;
(b) a record of having such impairment; or
(c) being regarded as having such impairment.

The term, "disability," does not include psychoactive substance abuse disorder resulting from current illegal use of drugs.

(2) A qualified individual with a disability is an individual who meets the essential eligibility requirements for the receipt of services or participation in programs or activities provided by the Department with or without:

(a) reasonable modifications to rules, policies, or practices;
(b) the removal of architectural, communication, or transportation barriers; and/or
(c) the provision of auxiliary aids and services.

An individual who poses a direct threat to the health and safety of others is not a qualified individual. An individual who is currently engaging in the illegal use of drugs when the Department acts on the basis of such use is not a qualified individual.

(3) The phrase "physical or mental impairment" means:

(a) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more the following body systems: Neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin and endocrine; and

(b) Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(4) Major life activities include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(B) No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the Department, or be subjected to discrimination by the Department.

(C) The Department, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements on the basis of disability:

(1) Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, or service;

(2) Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

(3) Provide a qualified individual with a disability with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;

(4) Provide different or separate aids, benefits, or services to individuals with disabilities than is provided to others unless such action is necessary to provide qualified individuals with disabilities with aids, benefits, or services that are as effective as those provided to others; and

(5) Otherwise limit a qualified individual with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service.

(D) The Department shall make reasonable changes in policies, practices, or procedures when the changes are necessary to avoid discrimination on the basis of disability, unless the Department can demonstrate that making the changes would fundamentally alter the nature of the service, program, or activity.

360.300: Contents of the Case Record

The case record serves as documentation to support SNAP eligibility, ineligibility, and benefit level determinations. The case record shall include, but not be limited to, copies of applications for certification and recertification, Department notices sent to clients and any related responses, verifications received, case narratives and actions related to the fair hearing process.

360.400: Disclosure of Confidential Information

The use or disclosure of information received from applicant households shall be restricted.

(A) Disclosure of Information to Clients. If there is a written request by a responsible member of the household, its currently authorized representative, or a person acting on its behalf, to review materials in its case file, the material and information in the case file shall be made available for inspection in the presence of a Department employee during normal business hours. However, the Department may withhold confidential information, such as the names of individuals who have disclosed information about the household without the household's knowledge or the nature or status of pending criminal prosecutions.

(B) Disclosure of Information to Law Enforcement Officials. The Department shall make available, upon request, to any federal, state or local law enforcement officer the address, Social Security number and photograph of a SNAP household member if the officer furnishes the member's name and notifies the Department that the member is either (1) fleeing prosecution, custody or confinement for a felony, is violating a condition of parole or probation imposed under federal or state law or (2) has information necessary for the officer to conduct an official duty related to a felony or parole violation. The request must be made in the proper exercise of an official duty and locating or apprehending the member is an official duty.

(C) Disclosure of Information to All Others. With the exception of (B), the Department shall restrict the use or disclosure of information obtained from applicant households to persons directly connected with the administration or enforcement of the Food Stamp Act and its amendments or regulations.

360.500: Availability of SNAP Information

The Central Office of the Department and the national and regional offices of the Food and Nutrition Service (FNS) of USDA shall make available upon request for examination by members of the public during office hours, the following documents: FNS regulations, notices and policy memos; and the State Plans of Operation, SNAP Policy Manual and SNAP procedural memos.

Each local office shall make available upon request for examination by members of the public during regular office hours, the SNAP Policy Manual and SNAP procedural memos.

360.510: Right to Interpreter Services

An applicant or client has the right to interpreter services when English is not his or her primary language or when he or she uses American Sign Language (ASL). The Department shall:

(A) inform applicants and clients of this right; and

(B) provide interpreter services when needed, unless the applicant or client prefers to bring his or her own interpreter.

360.600: Quality Control

The Department maintains a quality control system to monitor the administration of the Supplemental Nutrition Assistance Program and ensure that determinations of eligibility and benefit level are made in accordance with policy. The Department must take corrective action to reduce the incidence of errors which are found and documented by Quality Control. Any household that refuses to cooperate (as defined in 106 CMR 361.400) in furnishing information for Quality Control purposes shall be determined ineligible for SNAP. Once denied or terminated, the household shall remain ineligible until it does cooperate and all other eligiblity requirements are met.

360.700: Reserved

360.800: Funding

Provision of benefits in SNAP is subject to the availability of sufficient appropriations by the United States Congress. In the event that the United States Department of Agriculture (USDA) reduces, suspends, or cancels program benefits, the Department shall administer SNAP in conformity with USDA regulations concerning said reduction, suspension, or cancellation, notwithstanding any Department regulations to the contrary.

360.900: SNAP Benefit Delivery

SNAP benefits are delivered by means of the Electronic Benefit Transfer (EBT) System.

360.925: Reserved

360.950: Voter Registration

Voter registration application forms shall be made available at all local offices to applicants and recipients who are (a) U.S. citizens, and (b) age 18 or older or who will be age 18 on or before the next election.

(A) Applicants and recipients shall be:

(1) informed of the availability of voter registration forms at application, redetermination, and when there is a change of address,

(2) assisted in completing the voter registration application form unless assistance is refused, and

(3) able to submit voter registration application forms to the local offices for transmittal to the proper state election offices.

(B) Workers shall not:

(1) seek to influence an applicant's or recipient's political preference or party registration,

(2) display such political preference or party allegiance,

(3) make any statement to an applicant or recipient or take any action, the purpose or effect of which is to discourage the applicant or recipient from registering to vote, or

(4) make any statement to an applicant or recipient or take any action, the purpose or effect of which is to lead the applicant or recipient to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

Completed voter registration application forms that are submitted to the local offices must be transmitted to the proper state election offices for processing within five days of accepting the completed forms.