
FOOD AND NUTRITION SERVICES CERTIFICATION

ELIGIBILITY REQUIREMENTS

FNS 210 HOUSEHOLD COMPOSITION

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Change #20-2021

November 01, 2021

210.01 HOUSEHOLD COMPOSITION REQUIREMENT

All individuals who eat together must be included in the same Food and Nutrition Services (FNS) unit. At application, recertifications, and reported change in household composition, determine the total number of people who live in a residence, their relationship to each other, and their ages. Ask about the arrangements for purchasing and preparing meals. Based on the household's arrangements determine if the individuals are:

- A. Required household members: These members must be included together in the same FNS unit.
- B. Separate household members: These members may choose to be included in the same FNS unit or may choose to be in a separate FNS unit based on circumstances.
- C. Excluded household members: These members are not allowed to be included in any FNS unit.

210.02 DEFINITION OF AN FNS UNIT

An FNS unit can be any of the following:

- A. A person living alone; or
- B. A group of people living together who purchase and prepare meals together regardless of relationship to each other; or
- C. A person or group of people who state they will purchase and prepare meals separate from the others with whom they live upon receipt of Food and Nutrition Services benefits; or
- D. In certain situations, a person or group of people living with others but who purchase food and prepare meals separate and apart from those others; or
- E. A homeless person or group of homeless people who purchase food; or
- F. Certain residents of group homes, shelters, and institutions.

210.03 REQUIRED HOUSEHOLD MEMBERS

The following Individuals **must** be included in the same FNS unit:

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- A. Individuals who live together and purchase and prepare their food together, regardless of the relationship to each other;
- B. Spouses living together regardless of whether they purchase and prepare their food together.
 - 1. Spouse refers to individuals who are currently married to each other under applicable State law.
 - 2. Divorced individuals are no longer considered spouses and are not required household members unless they meet a different requirement within this section.
 - 3. Unmarried couples who live together and do not have common children are not required to be included in the same FNS unit. North Carolina does not recognize common law marriage. If an unmarried couple moves from a state that recognizes common law marriage, then a couple married under the common law of that state must be treated as having a legitimate marriage in North Carolina.
- C. A child 21 years of age and under living with his/her natural, adoptive, stepparents unless the conditions in 210.04 G. are met.
 - 1. Children must be included in the FNS unit with their natural or adoptive parent(s) even if another household member has legal custody.
 - 2. If the household consists of a natural parent and an adoptive parent, the child **must** be included in the FNS unit with the adult who exercises parental control.
- D. A child (other than a foster child) 17 years of age and younger who lives with and is under the parental control of a household member other than his/her parent.

NOTE: For purposes of this provision, parental control exists if a child, age 17 or younger, is financially or otherwise dependent on a member of the household.

210.04 SEPARATE HOUSEHOLD MEMBERS

Individuals that are not required or excluded FNS household members may be a separate FNS unit from other household members if they state they purchase and prepare food separately from others in the home or will do so upon receipt of FNS benefits. Separate household members include:

- A. An adult child age 22 and over living with his/her natural, adoptive, or stepparent.

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- B. An individual age 18 and over living with anyone other than his/her natural, adoptive, or stepparent.
- C. An individual age 17 and under who is living with anyone other than a natural, adoptive, or stepparent as long as he/she is not under the parental control of an adult FNS unit member.
- D. Natural, adoptive, half, or stepsiblings under 18 who live together if one is a parent living with his child(ren) or neither exerts parental control over the other (Once 18, parental control is not an issue.).
- E. Two adults who are not married to each other and live together.
- F. A specified person who is not a child under age 22 whose food is purchased and prepared separately by another household member. See 212.02 for the definition of a specified person.
- G. An individual age 60 or older and his spouse may be a separate FNS unit if the individual and spouse share meals with others because they are unable to purchase and prepare their own meals because of a disability defined in FNS 212.02 Specified Person. These individuals cannot choose to prepare their own meals separately, they must be unable to prepare their own meals because of the disability.
 - These are the only parents who may choose to be a separate FNS unit from their child(ren) under age 22.
 - If unable to purchase and prepare their own meals due to the disability, they must also meet the following conditions:
 - The gross income of the other household members cannot exceed 165% of the poverty level.
 - Exclude the income of the elderly individual and his spouse to make this income determination.
- H. Boarders

Individuals living with others and paying reasonable compensation to the others for lodging and meals (excluding residents of a commercial boarding house) are boarders. Boarders are not eligible to participate in the program separate from the household providing the board. They may participate as members of the FNS unit which provides the boarder services to them upon request by the FNS unit.

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- a. The household within which a boarder resides (including the household of the proprietor of a commercial boarding house) may participate in the program if the household meets all the eligibility requirements for program participation.
- b. Residents of commercial boarding houses are ineligible to participate. A commercial boarding house is defined as an establishment licensed as an enterprise which offers meals and lodging for compensation. In areas without licensing requirements, a commercial establishment which offers meals and lodging for compensation with the intent of making a profit will be considered a commercial boarding house. The number of boarders residing in a boarding house is not a criterion for determining if a boarding house is a commercial enterprise.
- c. Do not consider the following as boarders:
 - i. The spouse of an FNS unit member; or
 - ii. A child under age 18 who is under the parental control of an FNS unit member; or
 - iii. Parents living with their natural, adoptive, or stepchildren under age 22 who are FNS unit members or such children living with their parents; or
 - iv. A sibling of an FNS unit member when the sibling is under age 18 and the adult FNS unit member exerts parental control over the sibling; or
 - v. Individuals paying less than a reasonable monthly payment for meals. Individuals who pay less than reasonable compensation must be considered part of the FNS unit providing the service.
 - To determine if an individual is paying reasonable compensation, count only the amount paid for meals provided that the amount is distinguishable from the amount paid for lodging. Reasonable monthly payment may be either of the following.
 - If the board arrangement is for more than two meals per day, the boarder must pay an amount that equals or exceeds the maximum Food and Nutrition Services allotment for the size of the boarder household, or
 - If the board arrangement is for two meals or less per day, the boarder must pay an amount that equals or exceeds two-thirds of the maximum Food and Nutrition Services allotment for the size of the boarder household.

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EXAMPLE: Mrs. Jackson applies for Food and Nutrition Services and states that Mr. Jones is a boarder who pays her \$10 each week for three meals per day. Since his monthly payment of \$43 (\$10 x 4.3) does not equal or exceed the maximum allotment for one person, Mr. Jones must be included in Mrs. Jackson's FNS unit.

EXAMPLE: Mrs. Johnson applies for Food and Nutrition Services and states that Mr. Smith and his two children are boarders who pay \$400 per month for three meals per day. Since his monthly payment exceeds the maximum allotment for three persons, Mr. Smith and his children are boarders. Mrs. Johnson may choose, but is not required, to include them in her FNS unit.

I. Foster Care Individuals

Individuals placed in the home of relatives or others by a federal, State, or local governmental foster care program are not eligible to participate in the program as a separate FNS unit from the household providing their care. However, they may be included in the FNS unit at its request. If the FNS unit chooses this option, count foster care payments received as unearned income to the FNS unit.

J. Individuals Receiving Guardianship Payments

Individuals placed in the home of relatives or others who receive Title IV-E Guardianship Payments are not eligible to participate in the program as a separate FNS unit from the household providing their care. However, they may be included in the FNS unit at its request. If the FNS unit chooses this option, count guardianship payments received as unearned income to the FNS unit.

K. Live-In Attendant

A live-in attendant is a person who resides in a household solely to provide medical, housekeeping, childcare, or similar personal services and is not a part of the required FNS unit. The household has the option of including the attendant in its FNS unit **or** the attendant may participate as a separate FNS unit, if otherwise eligible.

210.05 EXCLUDED HOUSEHOLD MEMBERS

The following individuals cannot be included in the FNS unit:

A. Ineligible Able-Bodied Adult without Dependents (ABAWDs)

Able-bodied adults from the ages of 18 (beginning the month after the 18th birthday) through age 49 (the month before the 50th birthday, as ABAWD no longer

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applies) without dependents may be ineligible to participate in the program unless they meet the ABAWD requirements. Document the case file in North Carolina Families Accessing Services through Technology (NC FAST).

B. Ineligible Non-citizen

Individuals who do not meet the citizenship or non-citizen status requirements as defined in FNS 225 Citizenship and FNS 227 Non-citizen Requirements, are ineligible to participate in the program. Document the case file in NC FAST.

C. Ineligible as a Fleeing Felon or Probation/Parole Violator

Applicants are required at application and recertification to sign a statement declaring whether any member of the FNS unit is a fleeing felon or a probation/parole violator. This includes SSI recipients. Use the Department of Corrections (DOC) website at www.doc.state.nc.us/offenders/ as a lead to confirm an individual's status. Document the case file in NC FAST.

1. Fleeing felons are individuals who are acting with the intent to avoid prosecution, or custody for a crime, or an attempt to commit a crime, that would be classified as a felony (or in the State of New Jersey, a high misdemeanor) or who are violating a condition of probation or parole under a Federal or State law shall not be considered eligible household members.
2. Before an individual is determined to be a "fleeing" felon, the following criteria must be met:
 - a. There must be a felony warrant for the individual.
 - b. Individual must be aware of or should reasonably be able to expect that a warrant has or would have been issued.
 - c. The individual has to have taken some action to avoid being arrested or jailed.
 - d. Law enforcement agency must be actively seeking the individual.

Actively seeking is defined, a law enforcement agency is actively seeking an individual when it informs the State agency it intends to enforce an outstanding felony warrant or arrest an individual for probation or parole violation.

If the county determines during the application processing time period that an individual has a warrant out for arrest, verify with the individual whether

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they have knowledge of the warrant. Counties should give the individual an opportunity to submit documentation that the warrant has been satisfied. Give the FNS Unit the DSS-8650 Notice of Information Needed to Complete Your Food Assistance to request information. Give the FNS unit at least ten calendar days to provide the verification.

3. An individual can only be considered to have violated probation or parole when a judge rules that a violation has occurred. Obtain verification from the local law enforcement or Clerk of Court to determine if the violation has been cured.

D. Ineligible Students

Persons from the age of 18 through 49 who are enrolled in an institution of higher education and fail to meet the eligibility criteria in FNS 235 Student of Higher Education are ineligible to participate in the program. Document the case file in NC FAST.

E. Disqualified for Enumeration

Persons who fail or refuse to provide or apply for a social security number as defined in FNS 235 Social Security Enumeration are disqualified from participating in the program. Document the case file in NC FAST.

F. Disqualified for a Controlled Substance Felony Conviction

Applicants are required at application and recertification to sign a statement declaring whether any FNS unit member who committed and was convicted of a drug-related felony committed on or after August 23, 1996. Individuals convicted of a felony involving possession, use, or distribution of a controlled substance after this date are permanently disqualified from the program. This includes SSI recipients. Refer to FNS 270 Controlled Substance Felons for requirements and exceptions. Document the case file in NC FAST.

G. Disqualified for Fraudulently Misrepresenting Identity and Residence

A recipient who fraudulently misrepresents his/her identity or residence in order to receive multiple Food and Nutrition Services benefits is disqualified for ten years. Complete an inquiry into the disqualification menu in NC FAST and document the case file.

H. Disqualified for Intentional Program Violation (IPV)

A person disqualified for an IPV is not eligible to participate in the program for the period of their disqualification. Document the case file in NC FAST.

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I. Disqualified for Transferring a Resource

An individual who transfers a resource for the purpose of becoming eligible for Food and Nutrition Services benefits may make the entire FNS unit ineligible to participate in the program for a period of time determined by the value of the transferred resource. See FNS 250 Resources. Document the case file in NC FAST.

J. Disqualified for Voluntary Quit or Other Work-Related Reasons

An individual may be disqualified if he/she voluntarily quits a job without good cause, voluntarily and without good cause reduces his work effort to less than 30 hours per week or refuses without good cause to provide sufficient information to allow a determination of employment status or job availability. The individual may be ineligible to participate in the program for a period of time as defined in FNS 240 Work Registration. Document the case file in NC FAST.

K. Disqualified for Work Registration/Workfare

An individual disqualified for failing or refusing to comply with Employment and Training or Workfare requirements is ineligible to participate in the program for a period of time as defined in FNS 240 Work Registration Requirements. Document the case file in NC FAST.

L. Roomers

A roomer is an individual who pays for lodging but not for meals. Individuals who must be members of the FNS unit as stated in 210.03 cannot be roomers. Roomers are not eligible to be members of the FNS unit. Document the roomers in the application workbook. A roomer is eligible to apply as a separate FNS unit.

M. Food Distribution Program on Indian Reservations (FDPIR) recipients

FDPIR provides commodity foods to low-income households living on Indian reservations and to American Indian households residing in approved areas near reservations or in Oklahoma. Many households participate in the FDPIR as an alternative to the Food and Nutrition Services program. FDPIR is administered locally by either Indian Tribal Organizations (ITOs) or an agency of a State government. Households may not participate in FDPIR and the Food and Nutrition Services program in the same month.

N. Lottery/Gambling Disqualified FNS Units

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FNS unit members that receive \$3,750 in lottery/gambling winnings are ineligible to participate in the FNS program until they have regained eligibility by meeting the non-categorical eligibility financial resources and income eligibility requirements.

O. Aggravated sexual abuse, Murder, and Sexual assault Violators

1. Individuals shall not be eligible for FNS benefits if they meet both a **and b below:**

a. If the individual is convicted of at least one of the following offenses on or after February 8, 2014:

- Aggravated sexual abuse under section 2241 of title 18, United States Code; or
- Murder under section 1111 of title 18, United States Code; or
- A Federal or State offense involving sexual assault as defined in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)); or
- An offense under State law determined by the Attorney General to be substantially similar to an offense described in 1, 2, or 3.

And

b. The individual is not in compliance with the terms of the conviction (such as probation or parole) of the individual. A conviction alone does not make the individual ineligible. In addition to the conviction the individual must be out of compliance with the terms of the sentence.

Individuals that state they are not in compliance with the terms of the sentence, or the caseworker has verification that the individual is not in compliance with the terms of the sentence must be disqualified from participation in the FNS program.

Example: An individual that was convicted for aggravated sexual abuse under section 2241 of title 18 was incarcerated and subsequently released without parole. This person is considered in compliance and is not disqualified.

Example: An individual that was convicted for murder under section 1111 of title 18 and was incarcerated and subsequently released with parole. This person is considered in compliance as long as they state that they are meeting the conditions of parole. If the

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individual states that they are not meeting the conditions of parole, they will be disqualified for participation in the FNS program.

2. Client's statement is acceptable verification that they are in compliance with the terms of the sentence of the individuals. **Do not** require additional verification unless the client's statement is questionable.

If the caseworker determines the client's statement is questionable, the caseworker must clearly document the case notes stating the reason the statement is considered questionable and what steps have been taken to verify the information.

3. Individuals that have been disqualified may regain eligibility at any time by proving they are in compliance with the terms of the sentence. Accept any reasonable verification to prove compliance with the terms of the sentence.

Terminated households must reapply to be determined eligible for FNS benefits. For active households refer to FNS 515 SR Changes During the Certification Period for policy relating to reacting to changes.

210.06 VERIFICATION OF HOUSEHOLD SIZE AND COMPOSITION

Accept the FNS unit's statement as verification of household size and composition. Request that the FNS unit provide additional verification of household size and composition **only** if questionable. This policy applies to applications, recertifications and changes.

Household size and composition are considered questionable when the household composition is inconsistent with statements made by the applicant or with other information in agency case files. Document case files in NC FAST with the reason a household's composition is considered questionable.

- A. Give the FNS unit a DSS-8650 Notice of Information Needed to Complete Your Food and Nutrition Services Application.
- B. Allow at least ten calendar days for the FNS unit to provide verification.
- C. Acceptable collateral contacts include landlords, neighbors, or other persons, preferably non-related, with knowledge of the FNS unit's circumstances. Documentary evidence such as agency records and/or school records may be used as written confirmation of an FNS unit's circumstances.
- D. If needed, offer assistance to the FNS unit in obtaining verification.
- E. Resolve any discrepancies prior to certifying the case.

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210.07 VERIFICATION AND DOCUMENTATION OF SEPARATE HOUSEHOLD STATUS

Explore separate household status for the purpose of receiving Food and Nutrition Services (FNS) benefits at application, recertification, and when a change in household size and composition becomes known. List the names of individuals in the home who purchase food and prepare meals separately or those who will do so upon receipt of FNS benefits.

Accept the applicant's signed statement on the DSS-8207 Application for Food and Nutrition Services, DSS24351/R Food and Nutrition Services (FNS) Notice of Expiration Recertification Form, and NC FAST application as verification of separate household status. A signed statement from the other household is not required.

210.08 DOCUMENTATION OF HOUSEHOLD SIZE AND COMPOSITION

Document the verification source in North Carolina Families Accessing Services through Technology (NC FAST). Scan any supporting documents in NC FAST using the appropriate taxonomy as outlined in NC FAST help.

Upon receipt of the requested verification, document the case file in NC FAST including:

- A. The source;
- B. The method of verification;
- C. The date verification is received; **and**
- D. The details of how any discrepancies were resolved.