

SB 7-FN-LOCAL - AS AMENDED BY THE SENATE

03/16/2017 0898s

03/30/2017 1189s

2017 SESSION

17-0920

05/10

SENATE BILL **7-FN-LOCAL**

AN ACT relative to eligibility for food stamps and establishing the Granite Workforce pilot program.

SPONSORS: Sen. Avard, Dist 12; Sen. Bradley, Dist 3; Sen. Morse, Dist 22; Sen. Birdsell, Dist 19; Sen. Giuda, Dist 2; Sen. Reagan, Dist 17; Rep. Kotowski, Merr. 24; Rep. LeBrun, Hills. 32; Rep. Jasper, Hills. 37; Rep. K. Rice, Hills. 37

COMMITTEE: Health and Human Services

AMENDED ANALYSIS

This bill:

I. Provides that the department of health and human services shall not apply for, accept, or renew a waiver of the federal work requirements for food stamp eligibility without the approval of the health and human services oversight committee.

II. Requires the department to use the federal resource limits for food stamp eligibility, unless there are minor children in the household and the health and human services oversight committee approves the alternative eligibility criteria.

III. Requires the department to use federal income limits for food stamp eligibility rather than categorical eligibility standards, unless there are minor children in the household and the health and human services oversight committee approves the alternative eligibility criteria.

IV. Requires individuals to cooperate with the division of child support services as a condition of eligibility for food stamps.

V. Establishes the Granite Workforce pilot program, a TANF nonassistance program jointly administered by the department of health and human services and department of employment security.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~in brackets and struckthrough.~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seventeen

AN ACT relative to eligibility for food stamps and establishing the Granite Workforce pilot program.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Purpose Statement. The purpose of this act is to encourage able-bodied, childless adults to
2 return to work, while protecting children, and to ensure that required child support payments are
3 being made to families.

4 2 New Section; Food Stamp Program. Amend RSA 161 by inserting after section 10 the
5 following new section:

6 161:10-a Food Stamp Program; Program Eligibility and Administration.

7 I. The department of health and human services shall not apply for, accept, or renew any
8 waiver of requirements established under 7 U.S.C. section 2015(o) without the prior approval of the
9 health and human services oversight committee, established in RSA 126-A:13.

10 II. The resource limit standards of the food stamp program shall not exceed the standards
11 specified in 7 U.S.C. section 2014(g)(1), unless expressly required by federal law; provided that the
12 department may allow higher resource limits for households with children under 18 years of age
13 with the prior approval of the health and human services oversight committee. In no case shall
14 categorical eligibility exempting households from these resource limits be granted for any non-cash,
15 in-kind or other benefit, unless expressly required by federal law.

16 III. The department of health and human services shall not apply gross income standards
17 for food assistance higher than the standards specified in 7 U.S.C. section 2014(c) unless expressly
18 required by federal law; provided that the department may allow higher gross income standards for
19 households with children under 18 years of age with the prior approval of the health and human
20 services oversight committee. In no case shall categorical eligibility exempting households from this
21 income standard be granted for any non-cash, in-kind or other benefit, unless expressly required by
22 federal law.

23 IV.(a) The department of health and human services shall elect the option pursuant to 7
24 C.F.R. section 273.11(o) to require individuals living with and exercising parental control over a
25 child under the age of 18 who has an absent parent to cooperate with the department's division of
26 child support services in establishing paternity of the child and in establishing, modifying, or
27 enforcing a support order with respect to the child in accordance with section 454 (29) of the Social
28 Security Act, 42 U.S.C. section 654 (29), in order to be eligible to participate in the food stamp
29 program.

30 (b) The department shall elect the option pursuant to 7 C.F.R. section 273.11(p) to

1 require a putative or identified obligor/parent of a child under the age of 18 to cooperate with the
2 department's division of child support services in establishing the paternity of the child and in
3 providing support for the child in order to be eligible to participate in the food stamp program.

4 (c) The inability of the putative or identified obligor/parent to comply with the
5 requirements of subparagraph (b), as determined by the department's division of child support
6 services or an appropriate court of law, or a finding of good cause to excuse cooperation, as
7 determined by the department, shall preclude a determination of ineligibility to participate in the
8 food stamp program.

9 3 Purpose Statement. The purpose of sections 4-10 of this act is to establish a pilot program by
10 using allowable federal funds available from the Temporary Assistance to Needy Families (TANF)
11 program to end the dependence of needy parents on governmental programs by promoting job and
12 work preparation and placing them into high labor need jobs based on the goals set forth in 45
13 C.F.R. section 260.20. The long-term goal of this program is to place low-income individuals into
14 unsubsidized jobs in high labor need areas, transition them to self-sufficiency through providing
15 career pathways with specific skills, and assist in eliminating barriers to work such as
16 transportation and childcare. Taken together, these measures are designed to help low-income
17 participants break the cycle of poverty and move them from living on the margin to the middle class
18 and beyond.

19 4 Granite Workforce; Pilot Program Established.

20 I. The commissioner of the department of health and human services shall use allowable
21 funds from the TANF program to provide subsidies to employers in high need areas, as determined
22 by the department of employment security based upon workforce shortages, and to create a network
23 of assistance to remove barriers to work for low-income families. The funds shall be used to
24 establish a pilot program, referred to as Granite Workforce, a TANF nonassistance program, which
25 shall accept enrollments by applicants for an initial period of 6 months and which shall last for 9
26 months from the effective date of this section. The program shall be jointly administered by the
27 department of health and human services and the department of employment security. No cash
28 assistance shall be provided to eligible participants through Granite Workforce. The total cost of
29 the pilot program shall not exceed \$9,000,000 in federal TANF funds.

30 II. To be eligible for Granite Workforce, applicants shall be:

31 (a) In a household with an income under 200 percent of the federal poverty level; and

32 (b) Parents aged 18 through 64 with a child under age 18 in the household; or

33 (c) Noncustodial parents age 18 through 64 with a child under the age of 18.

34 III. The department of employment security shall determine eligibility and entry into the
35 program, using nationally recognized assessment tools for vocational and job readiness assessments.
36 Vocational assessments shall include educational needs, vocational interest, personal values, and
37 aptitude. The department shall use the assessment results to work with the participant to produce
38 a long-term career plan for moving into the middle class and beyond.

1 IV. Except as otherwise provided in paragraph II regarding program eligibility,
2 administrative rules governing the New Hampshire employment program, adopted under RSA 541-
3 A as chapter He-W 600, shall apply to the Granite Workforce pilot program.

4 5 Granite Workforce; Subsidies for Employers.

5 I. Upon placement of a participant into a paying job and receiving verification of
6 employment and wages from the employer, the department of employment security shall pay the
7 employer a subsidy of \$2,000.

8 II. After at least 3 full months of the continued employment of the participant and receiving
9 verification of the continued employment and wages from the employer, the department of
10 employment security shall pay the employer a second subsidy of \$2,000.

11 III. If an overpayment is made, the employer shall reimburse the department that amount
12 upon being notified by the department.

13 6 Referral for Barriers to Employment. The department of health and human services, in
14 consultation with the department of employment security, shall issue a request for applications
15 (RFAs) for community providers interested in offering case management services to participants
16 with barriers to employment. Participants shall be identified by the department of employment
17 security using an assessment process that screens for barriers to employment including, but not
18 limited to, transportation, child care, substance use, mental health, and domestic violence.
19 Thereafter, the department of employment security shall refer to community providers those
20 individuals deemed needing assistance with removing barriers to employment. When child care is
21 identified as a barrier to employment, the department of employment security or the community
22 provider shall refer the individual to available child care service programs.

23 7 Network of Education and Training.

24 I. If after the assessment conducted by the department of employment security additional
25 job training, education, or skills development is necessary prior to job placement, the department of
26 employment security shall address those needs by:

27 (a) Referring individuals to training and apprenticeship opportunities offered by the
28 community college system of New Hampshire;

29 (b) Referring individuals to the department of resources and economic development to
30 utilize available training funds and support services;

31 (c) Referring individuals to education and employment programs for youth available
32 through the department of education; or

33 (d) Referring individuals to training available through other colleges and training
34 programs.

35 II. All industry specific skills and training will be provided for jobs in high need areas, as
36 determined by the department of employment security based upon workforce shortages.

37 8 Job Placement.

38 I. Upon determining the participant is job ready, the department of employment security

1 shall place individuals into jobs with employers in high need areas, as determined by the
2 department of employment security based upon workforce shortages. This includes, but is not
3 limited to, high labor need jobs in the fields of healthcare, advanced manufacturing,
4 construction/building trades, information technology, and hospitality. Training and job placement
5 shall focus on:

6 (a) Supporting health care/safety issues: training/jobs to combat the opioid crisis,
7 including nurses, nursing assistants, clinicians, social workers, and treatment providers at the
8 licensed alcohol and drug addictions counselor and licensed mental health counselor levels.
9 Additionally, jobs to address long-term care needs, home healthcare services, and expanding
10 mental/behavioral health services.

11 (b) Advanced manufacturing to meet employer needs: training/jobs that include
12 computer-aided drafting and design, electronic and mechanical engineering, precision welding,
13 computer numerical controlled precision machining, robotics, and automation.

14 (c) Construction/building trades to address critical infrastructure needs: training/jobs
15 for building roads, bridges, municipality infrastructure, and ensuring safe drinking water.

16 (d) Information technology: training/jobs to allow businesses to excel in an ever-
17 increasing network dependent business environment.

18 (e) Hospitality-training/jobs to address the workforce shortage and support New
19 Hampshire's tourism industry, to include but not be limited to hotel workers, restaurant workers,
20 campground workers, lift operators, state park workers, and amusement park workers.

21 9 Reporting Requirement; Measurement of Outcomes.

22 I. The department of health and human services shall prepare a report on the outcomes of
23 the Granite Workforce program using appropriate standard common performance measures.
24 Program partners, as a condition of participation, shall be required to provide the department with
25 the relevant data. Metrics to be measured shall include, but are not limited to:

26 (a) Degree of participation.

27 (b) Progress with overcoming barriers.

28 (c) Entry into employment.

29 (d) Job retention.

30 (e) Earnings gain.

31 (f) Movement within established federal poverty level measurements, including the
32 Supplemental Nutrition Assistance Program (SNAP) and the New Hampshire health protection
33 program.

34 (g) Health insurance coverage provider.

35 (h) Attainment of education or training, including credentials.

36 II. The report shall be issued to the speaker of the house of representatives, president of the
37 senate, the governor, and the state library on or before November 1, 2018.

38 10 Repeal. Sections 4-8, relative to the Granite Workforce pilot program, are repealed.

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1 11 Effective Date.

2 I. Sections 1 and 2 of this act shall take effect 60 days after its passage.

3 II. Section 10 of this act shall take effect July 1, 2018.

4 III. The remainder of this act shall take effect October 1, 2017.

SB 7-FN-LOCAL- FISCAL NOTE
 AS INTRODUCED

AN ACT relative to eligibility for food stamps.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2018	FY 2019	FY 2020	FY 2021
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable

LOCAL:

Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill would prohibit the Department of Health and Human Services (DHHS) from seeking, accepting, or renewing a waiver of the federal work requirements for eligibility in the Food Stamp program. It would also require: the DHHS to use the federal resource limits for eligibility, without exception, unless required by federal law; require the DHHS to use federal income limits for Food Stamp eligibility and eliminate the categorical eligibility standard; and require individuals to cooperate with the Division of Child Support as a condition of eligibility for Food Stamps.

Waivers of Federal Work Requirements.

- Able bodied adults without dependents (ABAWD) are not eligible to participate in the SNAP as a member of a household if the individual has received benefits for more than 3 months during any 36 month period.
- The individual may not participate if they did not comply with work requirements of working 20 hours or more per week, averaged monthly, participate in and comply with the requirements of a work program or a workfare program for at least 20 hours per week, or any combination of working or participating in a work program for a total of 20

hours per week.

- Upon the request of a State agency, the federal Food and Nutrition Service (FNS) may waive applicability of the time limit above for a group of individuals, if the FNS determines a particular area does not have a sufficient number of jobs available to provide employment.

The DHHS has an approved waiver related to the federal work requirement which applies to 14 towns identified by the U.S. Census Bureau as having high unemployment and few employment opportunities. The waiver is approved from October 1, 2016 through September 30, 2017. In November 2016, the Food Stamp caseload was 46,691 with 147 cases in the aforementioned towns. There were 38 ABAWD households in these locations that were exempt from work participation. Under this bill the work requirement waiver would not be extended and the ABAWD households identified would need to comply with the time limits as of October 1, 2017. Failure to comply would result in the individual being excluded from the Food Stamp household.

Use of Federal Resource Limits for Food Stamp Eligibility.

DHHS uses the federally mandated resource limit of \$3,250 for households of any size which include a disabled member or a member age 60 or older, and limit of \$2,250 for all other households. Categorical eligibility is federally mandated for households with members who are recipients of one of the following programs: Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), Old Age Assistance (OAA), Aid to the Needy Blind (ANB) or Aid to the Permanently and Totally Disabled (APTD). Expanded categorical eligibility is an option which exempts certain households from a resource test. These households that have a dependent child living in the house, at least one member of the household who is a relative of the child, and the gross household income no higher than 185% of the federal poverty level (FPL). In December 2016, there were 17,089 Food Stamp households coded as expanded categorically eligible representing 37% of the caseload in the Food Stamp program. The Department is not able to determine the number of cases that would be impacted if expended categorical eligibility was eliminated, but assumes the number of household impacted would be low because those with incomes no higher than 185% of FPL would not likely have resources exceeding the federal limit.

Use of Federal Income Limits instead of the Categorical Eligibility Standard.

Categorical eligibility is federally mandated and exempts certain households from a gross income test including: households with members who are recipients of SSI, TANF, OAA, ANB or APTD. Expanded categorical eligibility is an option which increases the gross income limit from 130% of FPL to 185% for households which include a dependent child and a relative of that

child. Categorical eligibility waives the gross income test, but benefits are still determined based on total income and expenses. In December 2016, there were 17,089 expanded categorically eligible for the Food Stamp program. The DHHS cannot predict the number of cases that would be impacted if the income limit was reduced to 130% of FPL.

Cooperation with the Division of Child Support Services as a Condition of Eligibility.

The DHHS assumes the requirement would apply to adult household members and minors in the Food Stamp household would not be penalized for non-cooperation. Applicants and recipients for the TANF and Medicaid programs are currently required to cooperate with Child support as a condition of eligibility. In December 2016, there were 2,182 Food Stamp household that were not participants in the TANF and Medicaid programs. The DHHS cannot determine how many of these households are custodial or non-custodial parents, but assumes there would be an increase in child support enforcement cases.

Food Stamp benefits are 100% federally funded, therefore any changes to eligibility for benefits would impact federal funds and not State general funds. The cost to administer the Food Stamp Program is paid 50% with federal funds and 50% with State general funds. There may be additional costs related to the staff time needed to enforce the new requirements associated with child support cooperation. The Department of Information estimates the system updates to automate these changes would cost approximately \$250,000 with half of this amount paid from federal funds and half from state funds under Food Stamp administration. Finally, if households lose eligibility for the Food Stamp program, they may turn to local and/or county governments for assistance.

AGENCIES CONTACTED:

Department of Health and Human Services