

HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 6 BENEFIT, EMPLOYMENT AND SUPPORT SERVICES
DIVISION

CHAPTER 650

REPORTING REQUIREMENTS

Subchapter 1 Purpose and Definitions

- §17-650-1 Repealed
- §17-650-2 Repealed

Subchapter 2 Monthly Eligibility Reporting

- §17-650-3 Repealed
- §17-650-4 Repealed
- §17-650-5 Repealed
- §17-650-6 Repealed
- §17-650-7 Repealed
- §17-650-8 Repealed
- §17-650-9 Repealed

Subchapter 3 Purpose and Definitions

- §17-650-10 Purpose
- §17-650-11 Definitions

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- §17-650-12 Households subject to simplified reporting
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§§17-650-27 to 17-650-31 (Reserved)

Historical Note: This chapter is based upon §17-626-10 [Eff 7/19/82; am 6/30/83; am 11/12/83; am 12/24/84; R 3/19/93] §17-716-49 [Eff 10/1/83; am 12/27/86; am 5/4/89; am 12/24/90; am 7/20/91; R 3/19/93] §17-716-50 [Eff 10/1/83; am 6/8/84; am 7/23/84; am 10/19/89; R 3/19/93] §17-716-51 [Eff 10/1/83; am 7/23/84; R 3/19/93] §17-716-52 [Eff 10/1/83; am 7/23/84; R 3/19/93] §17-716-53 [Eff 10/1/83; am 7/23/84; R 3/19/93] §17-716-54 [Eff 10/1/83; am 7/23/84; am 10/19/89; R 3/19/93]

SUBCHAPTER 1

PURPOSE AND DEFINITIONS

§17-650-1 REPEALED. [R 11/09/06]

§17-650-2 REPEALED. [R 11/09/06]

SUBCHAPTER 2

MONTHLY ELIGIBILITY REPORTING

§17-650-3 REPEALED. [R 11/09/06]

§17-650-4 REPEALED. [R 11/09/06]

§17-650-5 REPEALED. [R 11/09/06]

§17-650-6 REPEALED. [R 11/09/06]

§17-650-7 REPEALED. [R 11/09/06]

§17-650-8 REPEALED. [R 11/09/06]

§17-650-9 REPEALED. [R 11/09/06]

SUBCHAPTER 3

PURPOSE AND DEFINITIONS

§17-650-10 Purpose. This chapter establishes the reporting requirements for recipients of financial and food stamps assistance. [Eff and comp 11/09/06] Auth: HRS §346-14) (Imp: 7 C.F.R. §273.12; 42 U.S.C. §§601-610)

§17-650-11 Definitions. As used in this chapter:

"ABAWD" means an able bodied adult without dependents.

"Adequate notice" means a written notice that includes:

- (1) A statement of the action the department has taken or intends to take;
- (2) The reason for the intended action;

- (3) The specific departmental rule supporting the action;
- (4) The household's right to request a hearing;
- (5) The name of the person to contact for additional information;
- (6) The availability of continued benefits;
- (7) The liability of the household for any overpayments received while awaiting a hearing if the hearing official's decision is adverse to the household; and
- (8) The availability of free legal representation, if applicable.

An adequate notice may be received prior to department action, at the time reduced benefits are received, or if benefits are terminated, at the time benefits would have been received if they had not been terminated.

"Authorized representative" means a person designated in writing by a responsible household member, to act on behalf of a household in applying for food stamp program benefits, and in securing and using the benefits. It also means a private nonprofit organization or institution conducting a drug addiction or alcoholic treatment and rehabilitation program, or a public or private nonprofit group living arrangement whose residents are blind or disabled recipients of benefits under Title II or Title XVI of the Social Security Act (42 U.S.C. §§401-433; 1381-1383), which will act on behalf of individuals who reside at the centers in applying for and obtaining food stamps.

"Certification period" means a definite period of time established by the department during which the household shall be eligible for food stamp benefits unless notified otherwise through appropriate notification procedures.

"Change reporting" means the reporting requirement for households who are not subject to simplified reporting, who must report a change in circumstance within ten days of the date that the change becomes known to the household.

"Earned income" means cash received or available to be received by the household which require some

activity on the part of the household to produce.

"Extended filing period" means the ten days that households are allowed to submit required information or missing verification.

"Federal poverty limit (FPL)" means the poverty guidelines that are updated periodically in the Federal Register by the U.S. Dept of Health & Human Services under the authority of 42 U.S.C. 9902(2).

"Homeless individual" means an individual who lacks a fixed and regular nighttime residence or an individual whose primary nighttime residence is:

- (1) A supervised shelter designed to provide temporary accommodations (such as a welfare hotel or congregate shelter);
- (2) A halfway house or similar institution that provides temporary residence for not more than 90 days;
- (3) A temporary accommodation for not more than 90 days in the residence of another individual; or
- (4) A place not designed for, or ordinarily used, as a regular sleeping accommodation for human beings (a hallway, a bus station, a lobby or similar places).

"Notice of adverse action" means a written notice that is sent to a recipient to inform the recipient of action the department is planning to take to reduce or terminate benefits. A notice of adverse action shall always meet the definition of an adequate notice and in certain situations must also meet the definition of a timely notice.

"Payment month" means the calendar month for which the department shall issue or provide benefits.

"Report month" means any calendar month in which a change must be reported or in which a six month report or eligibility review form is due.

"Seasonal farmworker" means a farm laborer who moves from place to place to harvest seasonal crops.

"Simplified reporting" means the reporting requirement for households specified in section 17-650-12 to report changes as specified in section 17-650-14, no later than six months prior to the end of

the certification period or the eligibility review due date and to report other changes as specified in section 17-650-18 within ten days of the date the change becomes known to the household.

"Six month report" means the report form that simplified reporting households are required to complete no later than six months prior to the end of the certification or eligibility review due date as specified in section 17-650-14.

"Timely notice" means an adequate notice that is mailed to the recipient at least ten days prior to the effective date of action.

"Unearned income" means any cash received or available to be received which is not classified as earned income.

"Verified upon receipt" means information that is complete and accurate and does not require any further verification. This includes payment information provided by the income source such as, but not limited to, the Social Security Administration regarding social security and SSI benefits, the Department of Labor and Industrial Relations (DLIR) regarding unemployment insurance benefits (UIB), and the Child Support Enforcement Agency (CSEA) regarding child support income or payments. Verified upon receipt also includes information provided by an originating source such as, but not limited to, the household reporting a member has left the household or one of the department's work programs recommending sanction of a household member. [Eff and comp 11/09/06] (Auth: HRS §346-14) (Imp: 7 C.F.R. §§271.2, 273.9, 273.10, 273.12, 273.24; 42 U.S.C. §§ 601-610)

SUBCHAPTER 4

SIMPLIFIED REPORTING

§17-650-12 Households subject to simplified reporting. All households shall be subject to simplified reporting except households in which all adult members are elderly or disabled as defined in

section 17-663-1, have no earned income and receive food stamps. [Eff and comp 11/09/06] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.12; 42 U.S.C. §§600-610)

§17-650-13 Households subject to special simplified reporting requirements. (a) The following food stamp households shall be subject to special simplified reporting requirements:

- (1) Homeless; or
- (2) Seasonal farmworkers.

(b) These food stamp households shall meet the following requirements:

- (1) Shall be required to report changes as specified in 17-650-18; and
- (2) Shall be certified for six months.
- (c) If a homeless or seasonal farmworker

household receives food stamps and financial assistance, the household shall be subject to the special simplified reporting requirements for both programs.

(d) If a homeless or seasonal farmworker household does not receive food stamps, the household will not be subject to the special simplified reporting requirements. These households will be subject to the simplified reporting requirements as specified in 17-650-14. [Eff and comp 11/09/06] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.12)

§17-650-14 Simplified reporting requirements.

(a) All households subject to simplified reporting with the exception of households specified in section 17-650-13, shall report the following changes no later than six months prior to the end of the household's certification or eligibility review due date:

- (1) All income as specified in chapter 17-676;
- (2) All household composition changes;
- (3) Any change in residence and for the food stamp program, the resulting change in shelter cost;

(4) Any changes in assets that exceed the program's asset limit as specified in chapter 17-675.

(5) For the food stamp program, any changes in the legal obligation to pay child support.

(b) The department shall supply a form for the six month report.

(c) To be considered timely, the completed six month report shall be received by the department no later than the seventh day of the report month, the date of return printed on the six month report, or the next work day when the seventh day or the printed date of return on the six month report falls on a Saturday, Sunday, or a state holiday.

(d) The department shall notify the household, in accordance with section 17-650-16, of the need to submit a report, correct an incomplete or inaccurate report, or submit necessary verification within the extended filing period. When the recipient submits a completed six month report within the extended filing period, benefits shall be provided not later than ten days after the recipient's normal issuance date.

(e) When the recipient submits a completed six month report after the extended filing period, but before the end of the report month, benefits shall be provided no later than thirty days after receipt of the completed six month report.

(f) When the six month report is not received by the department on a timely basis or the report is incomplete, benefits shall be terminated and adequate notice shall be issued. [Eff and comp 11/09/06]

(Auth: HRS §346-14) (Imp: 7 C.F.R. §273.12; 42 U.S.C. §§601-610)

§17-650-15 Verification of information reported.

The department shall require the household to verify all information on the six month report, except as specified in subsection 17-650-16(d). [Eff and comp 11/09/06] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.12; 42 U.S.C. §§601-610)

§17-650-16 Processing the six month report.

(a) The department shall review the report to ensure accuracy and completeness. The report shall be considered incomplete only if:

- (1) It is not signed by an adult member of the household or an authorized representative. For the food stamp program only, a minor household member may sign the report; or
- (2) It omits information and verification necessary to determine the household's eligibility or to compute the household's benefit level.

(b) If a household fails to file a six month report or files an incomplete report by the specified filing date, the department shall give the household at least ten days from the date the department mails the notice to file a completed six month report.

(c) If the completed report is not received by the department or household does not verify required information within the extended filing period, benefits shall be terminated and adequate notice issued.

(d) For the food stamp program, if the household fails to provide sufficient information or verification regarding a deductible expense within the extended filing period, the department will not terminate the household, but shall:

- (1) Determine the household's benefits without regard to the new or increased deduction.
- (2) Determine benefits using the last verified deduction, provided residence or other circumstances related to the deduction have not changed.

(e) The department shall provide an adequate notice to the household with specific information on how the department determined the household's benefits. This notice shall be provided so that the household receives it not later than either the date the resulting benefits are to be received or in place of the benefits if no benefits are to be issued. [Eff

and comp 11/09/06] (Auth: HRS §346-14) (Imp: 7
C.F.R. §273.12; 42 U.S.C. §§601-610)

§17-650-17 Notices. (a) All notices affecting a household's benefits based on information reported on the six month report shall meet the definition of adequate notice.

(b) All notices affecting a household's benefits based on information reported outside of the six month report shall meet the definition of a timely and adequate notice.

(c) All notices related to changes that do not affect a household's eligibility or benefits or changes which increase a household's benefits, shall meet the definition of adequate notice. [Eff and comp 11/09/06] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.12; 42 U.S.C. §§601-610)

§17-650-18 Other reporting requirements. (a) In addition to the six month report specified in section 17-650-14, all households subject to simplified reporting shall report the following changes:

- (1) For the food stamp program:
 - (A) Monthly gross income in excess of one hundred thirty percent of the federal poverty limit;
 - (B) For households which include a member who is considered an able bodied adult without dependents (ABAWD):
 - (i) If work or training hours decrease below twenty hours weekly; or
 - (ii) Termination of employment or training.
- (2) For the financial assistance program:
 - (A) Monthly gross income in excess of one hundred percent of the federal poverty limit. An update of the federal poverty limit will be implemented when the department is notified of the

update by the U.S. Department of Health and Human Services.

(B) Any change in household composition.

(b) Changes specified in subsection (a) shall be reported within ten days of the date the change becomes known to the household. For changes involving income, the change must be reported within ten days of the date that the household receives the first payment attributable to the change.

(c) Changes as specified in subsection (a)(2) shall be verified for the financial assistance programs and shall be processed as specified in chapter 17-680.

(d) For the food stamp program, changes as specified in subsection (a)(1) shall be processed as specified in chapter 17-680.

(e) Changes may be reported in writing, in person or by telephone. The department shall document the date a change is reported, which is the date the department is advised of the change over the telephone or by a personal visit or receives information about a household's circumstances which is considered verified upon receipt as defined in section 17-650-11.

(f) Households receiving assistance from more than one program shall report the changes as required for each program. [Eff and comp 11/09/06; am 1/17/08] (Auth: HRS §346-14) (Imp: 7 C.F.R. 273.12; 42 U.S.C. §§601-610)

§§17-650-19 to 17-650-23 (Reserved)

SUBCHAPTER 5

CHANGE REPORTING

§17-650-24 Purpose. This chapter establishes the change reporting requirements for recipients of financial and food stamps assistance who are not subject to the simplified reporting requirements. [Eff and comp 11/09/06] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.12; 42 U.S.C. §§601-610)

§17-650-25 Households subject to the change reporting requirements. (a) Food stamp households in which all adult members are aged or disabled and have no earned income shall be subject to the change reporting requirements.

(b) A financial assistance household in which all adult members are aged or disabled, have no earned income and are receiving food stamp benefits shall be subject to the change reporting requirements.

(c) A household in which all adult members are aged or disabled, have no earned income and do not receive food stamp benefits shall be subject to the simplified reporting requirements as specified in 17-650-14. [Eff and comp 11/09/06] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.12; 42 U.S.C. §§601-610)

§17-650-26 Reporting requirements for change reporting households. (a) Households who are not subject to the simplified reporting requirements shall be required to report the following changes within ten days of the date the change becomes known to the household. For changes involving income, the change must be reported within ten days of the date that the household receives the first payment attributable to the change:

- (1) A change in a source of unearned income;
- (2) A change of more than \$50 in the amount of unearned income, except changes to the financial assistance grant;
- (3) All changes in earned income, including starting or stopping a job or changing jobs;
- (4) All changes in household composition, such as the addition or loss of a household member;
- (5) When cash on hand, stocks, bonds, and money in a bank account or savings institution reaches or exceeds the program's asset limit as specified in chapter 17-675;

(6) Changes in residence and for the food stamp program, the resulting change in shelter costs; and

(7) For the food stamp program, changes in the legal obligation to pay child support.

(b) Changes may be reported in person, by telephone, or by mail. The department shall document the date a change is reported, which is the date the department receives the change report form or is advised of the change over the telephone or by a personal visit.

(c) A change report form shall be provided to households subject to change reporting at the time of approval and at recertification if the household needs a new form. A new form shall be sent to the household whenever a change report form is returned by the household. [Eff and comp 11/09/06] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.12; 42 U.S.C. §§601-610)

§§17-650-27 to 17-650-31 (Reserved)