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HOUSE BILL NO. 2408

Offered January 19, 2017

A BILL to amend and reenact § 63.2-527 of the Code of Virginia; to amend the Code of Virginia by adding in Title 63.2 a chapter numbered 6.1, consisting of sections numbered 63.2-622 through 63.2-628; and to repeal §§ 63.2-505.1, 63.2-505.2, and 63.2-801 of the Code of Virginia, relating to the supplemental nutrition assistance program; eligibility criteria.

Patron—Head

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-527 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Title 63.2 a chapter numbered 6.1, consisting of sections numbered 63.2-622 through 63.2-628, as follows:

§ 63.2-527. Notice of earned income tax credit.

The Department shall provide notice regarding the availability of the federal earned income tax credit authorized in § 32 of the Internal Revenue Code and the state earned income tax credit authorized in subdivision B 2 of § 58.1-339.8 to all recipients of Temporary Assistance for Needy Families pursuant to Chapter 6 (§ 63.2-600 et seq.), food stamps pursuant to § 63.2-801 supplemental nutrition assistance pursuant to Chapter 6.1 (§ 63.2-622 et seq.), or medical assistance pursuant to § 32.1-325 who had earned income in the prior tax year based on information available through the Virginia Employment Commission and, according to information made available by the Virginia Department of Taxation, either did not file federal or state income taxes or filed taxes and did not claim the federal or state earned income tax credit. Notice shall be distributed to recipients annually and shall include information on the qualifying income levels, the amount of credit available, the process for applying for the credit, and the availability of assistance in applying for the credit.

CHAPTER 6.1.**SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.****§ 63.2-622. Supplemental nutrition assistance program.**

The Board shall implement a supplemental nutrition assistance program, in accordance with the federal Food Stamp Act (7 U.S.C. § 2011 et seq.), in which each political subdivision in the Commonwealth shall participate.

§ 63.2-623. Eligibility criteria; financial eligibility.

A. A household shall be eligible to participate in the supplemental nutrition assistance program if (i) the household includes an individual who is 60 years of age or older or disabled and the household income, after exclusions set forth in 7 U.S.C. § 2014(d) and deductions set forth in 7 U.S.C. § 2014(e), does not exceed the federal poverty level or (ii) the household does not include a member who is 60 years of age or older or disabled and the household income after exclusions set forth in 7 U.S.C. § 2014(d) does not exceed the federal poverty level by more than 30 percent. A household's financial eligibility shall be calculated in accordance with the provisions of 7 U.S.C. § 2014.

B. A household that knowingly transfers assets for the purpose of qualifying or attempting to qualify for the supplemental nutrition assistance program shall be ineligible to participate in the program for a period of up to one year from the date of the discovery of the transfer.

§ 63.2-624. Work participation requirement.

A. No physically and mentally fit individual over 15 years of age or under 60 years of age shall be eligible to participate in the supplemental nutrition assistance program if the individual:

1. Refuses, at the time of application for benefits through the supplemental nutrition assistance program and every 12 months thereafter, to register for employment;

2. Refuses, without good cause, to participate in an employment and training program established pursuant to § 63.2-628 to the extent required by the Department;

3. Refuses, without good cause, to accept an offer of employment at a site or plant not subject to a strike or lockout at a wage not less than the higher of the applicable federal or state minimum wage or 80 percent of the wage that would have governed had the minimum hourly rate under § 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. § 206 (a)(1)) been applicable to the offer of employment;

4. Voluntarily and without good cause quits a job or reduces work hours to less than 30 hours per week; or

5. Refuses, without good cause, to provide the Department with sufficient information to allow the Department to determine the employment status or the job availability of the individual.

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59 *B. A person who would otherwise be required to comply with the requirements set forth in subsection*
60 *A shall be exempt from such requirement if he is:*

61 *1. Currently subject to and complying with work registration requirement under Title IV of the Social*
62 *Security Act (42 U.S.C. § 601 et seq.) or the federal-state unemployment compensation system, in which*
63 *case failure by such person to comply with any work requirement to which such person is subject shall*
64 *be the same as a failure to comply with the requirements set forth in subsection A;*

65 *2. A parent or other member of a household with responsibility for the care of a dependent child*
66 *under six years of age or an incapacitated person;*

67 *3. A student who is enrolled at least half-time in any recognized school, training program, or*
68 *institution of higher education, subject to the requirements of subsection C for students enrolled in*
69 *institutions of higher education;*

70 *4. A regular participant in a drug or alcohol addiction and rehabilitation program;*

71 *5. Employed a minimum of 30 hours per week or receiving weekly earnings that equal the minimum*
72 *hourly rate under the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) multiplied by 30 hours;*
73 *or*

74 *6. A person 16 years of age or older but not more than 18 years of age who is not a head of a*
75 *household or is attending school, or enrolled in an employment training program, on at least a half-time*
76 *basis.*

77 *C. No person who is otherwise eligible to participate in the supplemental nutrition assistance*
78 *program shall be eligible to participate as a member of a household if the individual is a student who is*
79 *enrolled at least half-time in an institution of higher education, unless the individual is:*

80 *1. Under 18 years of age or 50 years of age or older;*

81 *2. Not physically or mentally fit;*

82 *3. Assigned to or placed in an institution of higher education through or in compliance with the*
83 *requirements of (i) a program under Title I of the Workforce Innovation and Opportunity Act (29 U.S.C.*
84 *§ 3111 et seq.); (ii) an employment or training program that is part of a program of career and*
85 *technical education that may be completed in not more than four years at an institution of higher*
86 *education or is limited to remedial courses, basic adult education, literacy, or English as a second*
87 *language; (iii) a program under § 236 of the Trade Act of 1974 (29 U.S.C. § 2296); or (iv) another*
88 *program for the purpose of employment training operated by the Commonwealth or local government;*

89 *4. Employed at least 20 hours per week or participating in a work study program during the regular*
90 *school year;*

91 *5. A parent with responsibility for a dependent child under six years of age or a child six years of*
92 *age or older but not more than 12 years of age for whom adequate child care is not available to enable*
93 *the individual to attend classes and satisfy the requirement of subdivision 4;*

94 *6. Receiving benefits under a program funded under Part A of Title IV of the Social Security Act (42*
95 *U.S.C. § 601 et seq.);*

96 *7. Enrolled as a result of participation in the work incentive program under Title IV of the Social*
97 *Security Act (42 U.S.C. § 601 et seq.); or*

98 *8. Enrolled full-time in an institution of higher education, as determined by the institution, and is a*
99 *single parent with responsibility for the care of a dependent child under 12 years of age.*

100 **§ 63.2-625. Other conditions of participation.**

101 *An individual shall be ineligible to participate in the supplemental nutrition assistance program if*
102 *he:*

103 *1. Has been found by any state or federal court or administrative agency to have intentionally made*
104 *a false or misleading statement or misrepresented, concealed, or withheld facts or committed any act*
105 *that constitutes a violation of the Food Stamps Act (7 U.S.C. § 2011 et seq.) and implementing*
106 *regulations, or any state law or regulations, for the purpose of using, presenting, transferring,*
107 *acquiring, receiving, or possessing program benefits;*

108 *2. Refuses to cooperate in providing information to the Department that is necessary for making a*
109 *determination of his eligibility or for completing any subsequent review of eligibility for benefits through*
110 *the supplemental nutrition assistance program;*

111 *3. Is not a citizen of the United States, alien lawfully admitted for permanent residence, or other*
112 *person described in 7 U.S.C. § 2015(f);*

113 *4. Has been disqualified from participation in another means-tested public assistance program*
114 *administered by the Department;*

115 *5. Has been found to have made or is convicted in federal or state court of having made a*
116 *fraudulent statement or representation with respect to his identity or place of residency in order to*
117 *receive multiple benefits simultaneously through the supplemental nutrition assistance program;*

118 *6. Is a member of a household in which an individual is fleeing to avoid prosecution or custody or*
119 *confinement after conviction, under the law of the place from which the individual is fleeing, for a crime*
120 *or attempt to commit a crime that is a felony under the law of the place from which the individual is*

fleeing or violating a condition of probation or parole imposed under a federal or state law;

7. Is a custodial parent of a child who fails or refuses to cooperate in establishing the paternity of the child and obtaining support from the noncustodial parent, unless good cause for such failure or refusal to cooperate exists;

8. Is a noncustodial parent of a child who fails or refuses to cooperate in establishing the paternity of the child and providing support for the child;

9. Is delinquent in any payment due to a court order for the support of a child of the individual, unless the individual is complying with a payment plan approved by the court or the Department;

10. Has been found by a state or federal court or administrative agency to have intentionally obtained cash by purchasing products with supplemental nutrition assistance program benefits that have containers that require return deposits, discarding the product, and returning the container for the deposit amount;

11. Has been found by a state or federal court or administrative agency to have intentionally sold any food that was purchased using supplemental nutrition assistance program benefits;

12. Has been convicted of certain felonies set forth in 7 U.S.C. § 2015(r);

13. Is a member of a household in which an individual has received substantial lottery or gambling winnings immediately upon receipt of the winnings, in accordance with 7 U.S.C. § 2015(s); or

14. Is a member of a household in which an individual who is not otherwise exempt from the work registration requirement set forth in subsection A of § 63.2-624 is on strike as defined in 20 U.S.C. § 142(2) because of a labor dispute as defined in 29 U.S.C. § 152(9). A household shall not lose its eligibility to participate in the supplemental nutrition assistance program as a result of one of its members going on strike if the household was eligible immediately prior to such strike; however, such household shall not receive an increased allotment as the result of a decrease in the income of the striking member or members of the household, and such ineligibility shall not apply to any household that does not contain a member on strike if any of its members refuses to accept employment at a plant or site because of a strike or lockout.

§ 63.2-626. Eligibility for food stamps; drug-related felonies.

A person who is otherwise eligible to receive benefits through the supplemental nutrition assistance program shall be exempt from the application of § 115(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193, and shall not be denied such assistance solely because he has been convicted of a felony offense of possession of a controlled substance in violation of § 18.2-250, provided that such person is complying with, or has already complied with, all obligations imposed by the criminal court; is actively engaged in or has completed a substance abuse treatment program; participates in periodic drug screenings, and is complying with any other obligations as determined by the Department.

§ 63.2-627. Transitional food stamp benefits.

To the extent permitted by federal law, the Department shall provide transitional supplemental nutrition assistance program benefits for a period of not more than five months after the date on which Temporary Assistance for Needy Families (TANF) cash assistance is terminated. However, no household shall be eligible for transitional benefits through the supplemental nutrition assistance program if TANF cash assistance was terminated because all children in the assistance unit were removed from the home as a result of a child protective services investigation.

§ 63.2-628. Employment and training program.

A. The Department shall establish an employment and training program for the purpose of assisting members of households participating in the supplemental nutrition assistance program in gaining skills, training, work, or experience that will increase their ability to obtain regular employment. Such program shall include job search programs; job training programs; programs designed to improve the employability of household members through actual work experience or training or both and to enable individuals employed or trained through such program to move promptly into regular employment; educational programs or activities to improve basic skills and literacy or otherwise improve employability; programs designed to increase the self-sufficiency of recipients through self-employment; programs intended to ensure job retention by providing job retention services for up to 90 days after an individual who received employment and training services through the program gains employment; and such other employment, educational, and training programs and projects aimed at accomplishing the purpose of the employment and training program as the Department may deem appropriate.

B. The Department shall establish criteria for identifying supplemental nutrition assistance program participants for whom participation in such program is appropriate and shall establish requirements for participation.

C. The total number of hours of participation in the education and training program established pursuant to this section that may be required of any individual member of a household shall not exceed 120 hours in a one-month period.

182 2. That §§ 63.2-505.1, 63.2-505.2, and 63.2-801 of the Code of Virginia are repealed.