

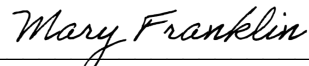
EMERGENCY RULES**DEPARTMENT OF HUMAN SERVICES
DIVISION OF COUNTY OPERATIONS**

NUMBER AND TITLE: Supplemental Nutrition Assistance Program updates pursuant to Act 675 of 2023

PROPOSED EFFECTIVE DATE: April 4, 2025

STATUTORY AUTHORITY: Arkansas Code Annotated: §§ 20-76-201, 20 77-107, and 25-10-129.

NECESSITY AND FUNCTION: This rule adds a Broad Based Categorical Eligible definition and updates resource limits to five thousand five hundred dollars (\$5,500) for Supplemental Nutrition Assistance Program (SNAP) households in compliance with ACT 675 of 2023.



Mary Franklin, Director
Division of County Operations

Promulgation date: April 4, 2025

Contact Person: Mac Golden
P. O. Box 1437, Slot S295
Little Rock, AR 72203-1437
(501) 320-6383
Mac.E.Golden@dhs.arkansas.gov

STATEMENT OF EMERGENCY

The Department of Human Services (DHS) announces an emergency rule under Arkansas Code § 25-15-204(c). The rule renders maximum assistance to the citizens of Arkansas by implementing Act 675 of 2023 which allows Supplemental Nutrition Assistance Program (SNAP) recipients to temporarily exceed the SNAP resource limit for up to twelve (12) months. The resource limit for all households can be increased to five thousand five hundred dollars (\$5,500) if they meet all other eligibility requirements.

Background and Rule Description: The Director of the Division of County Operations (DCO) revises the SNAP Certification Manual to implement new Act 675 of 2023 which allows SNAP recipients to temporarily exceed federally established resource limits by implementing broad-based categorical eligibility as directed by Act 675. SNAP households determined categorically eligible for SNAP through broad-based categorical eligibility will be allowed to temporarily exceed SNAP resource limits for up to 12 months in a five (5) year period. The definition of categorically eligible SNAP households has been updated to allow for broad-based categorical eligibility and likewise been added to SNAP Appendix.

Statement of Emergency: DHS finds there exists imminent peril to the public health, safety, and welfare of the state, requiring immediate adoption of the emergency rule. The rule ensures services to a vulnerable population of Arkansas citizens. The emergency rule shall be effective April 4, 2025. A permanent rule will be promulgated to be effective July 1, 2025.

**QUESTIONNAIRE FOR FILING PROPOSED RULES WITH
THE ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT Department of Human Services
BOARD/COMMISSION Division of County Operations
BOARD/COMMISSION DIRECTOR Mary Franklin
CONTACT PERSON Mac Golden
ADDRESS P. O. Box 1437, Slot S295 Little Rock, AR 72203-1437
PHONE NO. (501) 320-6383 EMAIL Mac.E.Golden@dhs.arkansas.gov
NAME OF PRESENTER(S) AT SUBCOMMITTEE MEETING
Mary Franklin
PRESENTER EMAIL(S) Mary.Franklin@dhs.arkansas.gov

INSTRUCTIONS

In order to file a proposed rule for legislative review and approval, please submit this Legislative Questionnaire and Financial Impact Statement, and attach (1) a summary of the rule, describing what the rule does, the rule changes being proposed, and the reason for those changes; (2) both a markup and clean copy of the rule; and (3) all documents required by the Questionnaire.

If the rule is being filed for permanent promulgation, please email these items to the attention of Rebecca Miller-Rice, miller-ricer@blr.arkansas.gov, for submission to the Administrative Rules Subcommittee.

If the rule is being filed for emergency promulgation, please email these items to the attention of Director Marty Garrity, garritym@blr.arkansas.gov, for submission to the Executive Subcommittee.

Please answer each question completely using layman terms.

1. What is the official title of this rule?
Supplemental Nutrition Assistance Program updates pursuant to Act 675 of 2023
2. What is the subject of the proposed rule? See Attached
3. Is this rule being filed under the emergency provisions of the Arkansas Administrative Procedure Act? Yes ☒ No ☐

If yes, please attach the statement required by Ark. Code Ann. § 25-15-204(c)(1).

If yes, will this emergency rule be promulgated under the permanent provisions of the Arkansas Administrative Procedure Act? Yes ☒ No ☐

4. Is this rule being filed for permanent promulgation? Yes ☐ No ☒

If yes, was this rule previously reviewed and approved under the emergency provisions of the Arkansas Administrative Procedure Act? Yes ☐ No ☐

If yes, what was the effective date of the emergency rule? _____

On what date does the emergency rule expire? _____

5. Is this rule required to comply with a *federal* statute, rule, or regulation? Yes ☐ No ☒

If yes, please provide the federal statute, rule, and/or regulation citation.

6. Is this rule required to comply with a *state* statute or rule? Yes ☒ No ☐

If yes, please provide the state statute and/or rule citation.

[Act 675 of 2023](#)

7. Are two (2) rules being repealed in accord with Executive Order 23-02? Yes ☐ No ☒

If yes, please list the rules being repealed.

If no, please explain.

[Exception from the Governor](#)

8. Is this a new rule? Yes ☐ No ☒

Does this repeal an existing rule? Yes ☐ No ☒

If yes, the proposed repeal should be designated by strikethrough. If it is being replaced with a new rule, please attach both the proposed rule to be repealed and the replacement rule.

Is this an amendment to an existing rule? Yes ☒ No ☐

If yes, all changes should be indicated by strikethrough and underline. In addition, please be sure to label the markup copy clearly as the markup.

9. What is the state law that grants the agency its rulemaking authority for the proposed rule, outside of the Arkansas Administrative Procedure Act? Please provide the specific Arkansas Code citation(s), including subsection(s).

[Ark Code §§ 20-76-201, 20 77-107, and 25-10-129.](#)

10. Is the proposed rule the result of any recent legislation by the Arkansas General Assembly?
Yes ☒ No ☐

If yes, please provide the year of the act(s) and act number(s).

[Act 675 of 2023](#)

11. What is the reason for this proposed rule? Why is it necessary?

[This rule adds a Broad Based Categorical Eligible definition and updates resource limits to five thousand five hundred dollars \(\\$5,500\) for Supplemental Nutrition Assistance Program \(SNAP\) households in compliance with ACT 675 of 2023.](#)

12. Please provide the web address by which the proposed rule can be accessed by the public as provided in Ark. Code Ann. § 25-19-108(b)(1).

ar.gov/dhs-proposed-rules

13. Will a public hearing be held on this proposed rule? Yes ☐ No ☒

If yes, please complete the following:

Date: _____

Time: _____

Place: _____

Please be sure to advise Bureau Staff if this information changes for any reason.

14. On what date does the public comment period expire for the permanent promulgation of the rule? Please provide the specific date. _____

15. What is the proposed effective date for this rule? [Emergency 04/04/2025; Permanent 7/1/2025](#) _____

16. Please attach (1) a copy of the notice required under Ark. Code Ann. § 25-15-204(a)(1) and (2) proof of the publication of that notice.

17. Please attach proof of filing the rule with the Secretary of State, as required by Ark. Code Ann. § 25-15-204(e)(1)(A).

18. Please give the names of persons, groups, or organizations that you anticipate will comment on these rules. Please also provide their position (for or against), if known.

19. Is the rule expected to be controversial? Yes ☐ No ☒

If yes, please explain.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT Department of Human Services

BOARD/COMMISSION Division of County Operations

PERSON COMPLETING THIS STATEMENT Lisa Woodall

TELEPHONE NO. (501) 682-8376 **EMAIL** Lisa.Woodall@dhs.arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

TITLE OF THIS RULE Supplemental Nutrition Assistance Program updates pursuant to Act 675 of 2023

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes ☒ No ☐
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes ☒ No ☐
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes ☒ No ☐

If no, please explain:

(a) how the additional benefits of the more costly rule justify its additional cost;

(b) the reason for adoption of the more costly rule;

(c) whether the reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

4. If the purpose of this rule is to implement a *federal* rule or regulation, please state the following:
 - (a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue \$0.00
 Federal Funds \$0.00
 Cash Funds \$0.00
 Special Revenue \$0.00
 Other (Identify) \$0.00

 Total \$ 0.00

Next Fiscal Year

General Revenue \$0.00
 Federal Funds \$0.00
 Cash Funds \$0.00
 Special Revenue \$0.00
 Other (Identify) \$0.00

 Total \$ 0.00

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue \$0.00
 Federal Funds \$333,684
 Cash Funds \$0.00
 Special Revenue \$0.00
 Other (Identify) \$0.00

 Total \$ 333,684.00

Next Fiscal Year

General Revenue \$125,000
 Federal Funds \$1,459,736
 Cash Funds \$0.00
 Special Revenue \$0.00
 Other (Identify) \$0.00

 Total \$ 1,584,736.00

5. What is the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

Current Fiscal Year

\$ 0.00

Next Fiscal Year

\$ 0.00

6. What is the total estimated cost by fiscal year to a state, county, or municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ 0.00

Next Fiscal Year

\$ 125,000.00

Implementation in full of this rule will be incurred next fiscal year with 50% of the costs being attributed to Federal Funds.

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes ☐ No ☒

If yes, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

SNAP CERTIFICATION MANUAL – SECTION 1000

1900 Classifying Households

1910 Aged/Disabled Households

1900 Classifying Households

SNAP Manual 06/15/98

Households will be classified in accordance with the provisions of this section.

1910 Aged/Disabled Household

SNAP Manual ~~02/01/2004~~/04/2025

An aged/disabled household contains at least one (1) member who is age sixty (60) or over or is disabled as defined in the Glossary under “Aged/Disabled”. The household member who is aged or disabled is entitled to a medical deduction as provided in SNAP 6500. Households with an aged/disabled member are entitled to unlimited excess shelter costs. They are not subject to the gross income pretest but must meet the net income standards. See SNAP 7600 for an explanation of net income eligibility.

1919 Broad Based Categorically Eligible Household

SNAP Manual 04/01/2025

Broad Based Categorically Eligibility applies to all SNAP households that receive a non-cash TANF or –Maintenance of Effort benefit (See Appendix AA for BBCE information).– This allows the resource limit for all households to be increased (See Appendix D). This increase is permitted for a twelve (12)- month period and can only be granted once every five (5) years. After the twelve (12)- month period has been exhausted the standard resource amounts will apply.

1920 Categorically Eligible Household

SNAP Manual ~~6/01/1804~~/04/2025

A categorically eligible household is any household in which all members receive (or are authorized to receive) Supplemental Security Income (SSI) or at least one (1) member receives (or is authorized to receive) a Transitional Employment Assistance (TEA) benefit as defined in SNAP 1920.2. “Authorized to receive” means that an individual has been determined eligible for benefits and has been notified of this determination even though the benefits have not yet been received. The fact that TEA or SSI benefits have been suspended, recouped, or are less than the minimum amount paid will have no impact on a determination of categorical eligibility.

No household may be classified as a categorically eligible household if:

1. The entire household is institutionalized, and the institution is not listed at SNAP 1800 as an institution where residents may participate in the Supplemental Nutrition Assistance Program.
OR
2. Any member of the household is disqualified for an intentional program violation as

SNAP CERTIFICATION MANUAL – SECTION 1000

1900 Classifying Households

1910 Aged/Disabled Households

defined in SNAP 16600 and SNAP 16800.

No household member will be included as an eligible member of a categorically eligible household if that member is:

- An eligible alien as defined in SNAP 1621.
- An eligible student as defined in SNAP 1622.2.
- Disqualified for failure to comply with a work registration requirement as defined in SNAP 3400.

SNAP CERTIFICATION MANUAL – SECTION 1000

1900 Classifying Households

1910 Aged/Disabled Households

1900 Classifying Households

SNAP Manual 06/15/98

Households will be classified in accordance with the provisions of this section.

1910 Aged/Disabled Household

SNAP Manual 04/04/2025

An aged/disabled household contains at least one (1) member who is age sixty (60) or over or is disabled as defined in the Glossary under "[Aged/Disabled](#)". The household member who is aged or disabled is entitled to a medical deduction as provided in SNAP 6500. Households with an aged/disabled member are entitled to unlimited excess shelter costs. They are not subject to the gross income pretest but must meet the net income standards. See SNAP 7600 for an explanation of net income eligibility.

1919 Broad Based Categorically Eligible Household

SNAP Manual 04/04/2025

Broad Based Categorically Eligibility applies to all SNAP households that receive a non-cash TANF or Maintenance of Effort benefit (See Appendix AA for BBCE information). This allows the resource limit for all households to be increased (See Appendix D). This increase is permitted for a twelve (12) month period and can only be granted once every five (5) years. After the twelve (12) month period has been exhausted the standard resource amounts will apply.

1920 Categorically Eligible Household

SNAP Manual 04/04/2025

A categorically eligible household is any household in which all members receive (or are authorized to receive) Supplemental Security Income (SSI) or at least one (1) member receives (or is authorized to receive) a Transitional Employment Assistance (TEA) benefit as defined in SNAP 1920.2. "Authorized to receive" means that an individual has been determined eligible for benefits and has been notified of this determination even though the benefits have not yet been received. The fact that TEA or SSI benefits have been suspended, recouped, or are less than the minimum amount paid will have no impact on a determination of categorical eligibility.

No household may be classified as a categorically eligible household if:

1. The entire household is institutionalized, and the institution is not listed at SNAP 1800 as an institution where residents may participate in the Supplemental Nutrition Assistance Program.
OR
2. Any member of the household is disqualified for an intentional program violation as defined in [SNAP 16600](#) and SNAP 16800.

SNAP CERTIFICATION MANUAL – SECTION 1000

1900 Classifying Households

1910 Aged/Disabled Households

No household member will be included as an eligible member of a categorically eligible household if that member is:

- An eligible alien as defined in SNAP 1621.
- An eligible student as defined in SNAP 1622.2.
- Disqualified for failure to comply with a work registration requirement as defined in SNAP 3400.

Proposed

SNAP CERTIFICATION MANUAL –SECTION 4000

2B4300 Resource Eligibility Standards

~~9B~~4310 Uniform Resource Standards

4300 Resource Eligibility Standards

SNAP Manual ~~04/01/2024~~04/04/2025

A household's eligibility will be denied or terminated when the value of the household's countable resources (both liquid and non-liquid assets) exceeds the limit for all households regardless of household size, including households with an individual with disabilities (see glossary definition of sixty (60) years of age or older individuals with disabilities households).

The household is classified as categorically eligible if all household members receive SSI benefits or a combination of TANF and SSI. A combined household of SSI recipients and non- SSI recipients cannot be classified as categorically eligible. However, the individual household members who receive SSI benefits are categorically eligible. This means that any resources owned solely by an SSI recipient are not to be counted when the household's total resources are determined, but all resources owned by the other household members are to be counted. If the resources owned by household members, who do not receive SSI, exceed the resource limit, then the entire household (including the SSI recipient) is ineligible to participate in the Supplemental Nutrition Assistance Program. Co-owned resources will not automatically be excluded under this policy. Instead, the resource will be handled in the same manner as any other jointly owned resource. Please see Appendix D for current resource limits for Regular and Age/Disabled households.

Broad Based Categorical Eligibility applies to all SNAP households that receive a non-cash TANF- or -Maintenance of Effort benefit- (See Appendix AA for BBCE information). This allows the resource limit for all households to be increased (See Appendix D). This increase is permitted for a twelve (12)- month period and can only be granted once every five (5) years. After the twelve (12)- month period has been exhausted the standard resource amounts will apply.

SNAP CERTIFICATION MANUAL –SECTION 4000

4300 Resource Eligibility Standards

4310 Uniform Resource Standards

4300 Resource Eligibility Standards

SNAP Manual 04/04/2025

A household's eligibility will be denied or terminated when the value of the household's countable resources (both liquid and non-liquid assets) exceeds the limit for all households regardless of household size, including households with an individual with disabilities (see glossary definition of sixty (60) years of age or older individuals with disabilities households).

The household is classified as categorically eligible if all household members receive SSI benefits or a combination of TANF and SSI. A combined household of SSI recipients and non-SSI recipients cannot be classified as categorically eligible. However, the individual household members who receive SSI benefits are categorically eligible. This means that any resources owned solely by an SSI recipient are not to be counted when the household's total resources are determined, but all resources owned by the other household members are to be counted. If the resources owned by household members, who do not receive SSI, exceed the resource limit, then the entire household (including the SSI recipient) is ineligible to participate in the Supplemental Nutrition Assistance Program. Co-owned resources will not automatically be excluded under this policy. Instead, the resource will be handled in the same manner as any other jointly owned resource. Please see Appendix D for current resource limits for Regular and Age/Disabled households.

Broad Based Categorically Eligibility applies to all SNAP households that receive a non-cash TANF or Maintenance of Effort benefit (See Appendix AA for BBCE information). This allows the resource limit for all households to be increased (See Appendix D). This increase is permitted for a twelve (12) month period and can only be granted once every five (5) years. After the twelve (12) month period has been exhausted the standard resource amounts will apply.

SNAP CERTIFICATION MANUAL – SECTION 1000

12200 Changes Reported by the Household

~~SNAP CERTIFICATION MANUAL – SECTION 12000~~

~~12200 Changes Reported by the Household~~

~~12240 Income Changes~~33 Actions to Take to Change a Resource

12233 Actions to Take to Change a Resource

SNAP MANUAL ~~02/01/18~~04/04/2025

Vehicles

1. Determine the countable value of the new vehicle (see [SNAP 4800 - 4841](#)).
2. If the vehicle has any countable value, add this figure to the existing resources. If applicable, subtract the countable value of the vehicle used as the “trade-in.”
3. Compare the household’s total countable resources to the applicable resource limits (see [SNAP 4300 - 4310](#)).
4. If the household’s total countable resources are less than the limits, the household continues to be eligible. If not, close the case.

Liquid Resources

If the household’s liquid resources exceed the applicable limit ([See Appendix D](#)) ~~(\$2,250 for regular households or \$3,500 for age 60 or older/individuals with disabilities households)~~, the case will be closed unless the household is categorically eligible.

12233 Actions to Take to Change a Resource

SNAP MANUAL 04/04/2025

Vehicles

1. Determine the countable value of the new vehicle (see [SNAP 4800 - 4841](#)).
2. If the vehicle has any countable value, add this figure to the existing resources. If applicable, subtract the countable value of the vehicle used as the “trade-in.”
3. Compare the household’s total countable resources to the applicable resource limits (see [SNAP 4300 - 4310](#)).
4. If the household’s total countable resources are less than the limits, the household continues to be eligible. If not, close the case.

Liquid Resources

If the household’s liquid resources exceed the applicable limit (See Appendix D), the case will be closed unless the household is categorically eligible.

Arkansas Dept. of Human Services – SNAP Basis of Issuance: October 2024 – September 2025

Appendix D: Current Standards
Current Standard Deductions

Type of Deduction		Amount	Effective Date
1. Earned Income		20%	05-01-86
2. Standard Deduction (Based on household size)	Household size 1	\$204	10-01-24
	Household size 2	\$204	
	Household size 3	\$204	
	Household size 4	\$217	
	Household size 5	\$254	10-01-24
	Household size 6 and	\$291	10-01-24
3. Standard Utility Allowance (SUA)		\$333	10-01-24
4. Maximum Excess Shelter		\$712	10-01-24
5. Standard Medical Deduction (SMD)		\$190	10-01-24
6. Basic Utility Allowance (BUA)		\$267	10-01-24
7. Homeless Living Allowance (HLA)		\$190.30	10-01-24
8. Telephone Standard		\$50	01-01-21

Current SSI Maximum Payments

Type of Payment	Amount	Effective Date
SSI Only – Individual	\$943	01-01-24
SSI Only – Couple	\$1415	01-01-24

Current Medicare Premium (Part B Only): \$174.70

Current Medicare Premium (Part D Only): \$34.70

Resource Limits: Household Type and Maximum Amount:

~~All Household for 12 months \$5500 (After 12 months, see amounts below)~~ All Households five thousand five hundred (\$55005,500) for twelve (12) months (after twelve (12) months, see amounts below)**

Households with at least one (1) member who is age sixty (60) or older or is disabled four thousand five hundred dollars (\$45004,500)

All other households three thousand dollars (\$30003,000)

*The Asset limit for elderly or disabled household who serves as the threshold for substantial lottery or gambling winnings.

** five thousand five hundred dollars (\$5,500) resource limit can only be given for twelve (12)– months in a five (5)– year period.

Arkansas Dept. of Human Services – SNAP Basis of Issuance: October 2024 – September 2025

Appendix D: Current Standards Current Standard Deductions

Type of Deduction		Amount	Effective Date
1. Earned Income		20%	05-01-86
2. Standard Deduction (Based on household size)	Household size 1	\$204	10-01-24
	Household size 2	\$204	
	Household size 3	\$204	
	Household size 4	\$217	10-01-24
	Household size 5	\$254	
	Household size 6 and	\$291	
3. Standard Utility Allowance (SUA)		\$333	10-01-24
4. Maximum Excess Shelter		\$712	10-01-24
5. Standard Medical Deduction (SMD)		\$190	10-01-24
6. Basic Utility Allowance (BUA)		\$267	10-01-24
7. Homeless Living Allowance (HLA)		\$190.30	10-01-24
8. Telephone Standard		\$50	01-01-21

Current SSI Maximum Payments

Type of Payment	Amount	Effective Date
SSI Only – Individual	\$943	01-01-24
SSI Only – Couple	\$1415	01-01-24

Current Medicare Premium (Part B Only): \$174.70

Current Medicare Premium (Part D Only): \$34.70

Resource Limits: Household Type and Maximum Amount:

All Households five thousand five hundred (\$5,500) for twelve (12) months (after twelve (12) months, see amounts below)**

Households with at least one (1) member who is age sixty (60) or older or is disabled four thousand five hundred dollars (\$4,500)

All other households three thousand dollars (\$3,000)

*The Asset limit for elderly or disabled household who serves as the threshold for substantial lottery or gambling winnings.

** five thousand five hundred dollars (\$5,500) resource limit can only be given for twelve (12) months in a five (5) year period.

Proposed

State of Arkansas *As Engrossed: S3/15/23 H3/29/23*
94th General Assembly
Regular Session, 2023

A Bill

SENATE BILL 306

By: Senators J. Dismang, C. Tucker
By: Representatives Vaught, McCullough

For An Act To Be Entitled

AN ACT TO AMEND THE ASSET LIMITS FOR THE SUPPLEMENTAL
NUTRITION ASSISTANCE PROGRAM; TO ALLOW FOR AN
ADJUSTMENT TO THE ASSET LIMIT BASED UPON INFLATION;
TO INCLUDE AN AUTOMATIC INFLATION ADJUSTMENT; TO
DIRECT THE DEPARTMENT OF HUMAN SERVICES TO REQUEST A
BROAD-BASED CATEGORICAL ELIGIBILITY WAIVER; AND FOR
OTHER PURPOSES.

Subtitle

TO AMEND THE ASSET LIMITS FOR THE
SUPPLEMENTAL NUTRITION ASSISTANCE
PROGRAM; AND TO DIRECT THE DEPARTMENT OF
HUMAN SERVICES TO REQUEST A BROAD-BASED
CATEGORICAL ELIGIBILITY WAIVER.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 20-76-115 is amended to read as follows:

20-76-115. ~~Federal-resource~~ Resource limits for Supplemental Nutrition
Assistance Program ~~- Resource limit waiver~~.

(a) ~~Unless required by federal law,~~

~~(1) The resource limit standards of the Supplemental Nutrition
Assistance Program shall not exceed the standards specified in 7 U.S.C. §
2014(g)(1); and~~

~~(2) Categorical eligibility that exempts households from the
federal resource limit standards shall not be granted for any noncash, in-~~



1 ~~kind, or other benefit.~~

2 ~~(b)~~ Unless required by federal law, the Department of Human Services
3 shall not:

4 (1) Apply gross income standards for food assistance higher than
5 the standards specified in 7 U.S.C. § 2014(c); or

6 (2) Grant categorical eligibility that exempts households from
7 the gross income standard under subdivision ~~(b)(1)~~ (a)(1) of this section for
8 any noncash, in-kind, or other benefit unless a waiver is obtained under
9 subsection (b) of this section.

10 (b)(1)(A) The Department of Human Services shall request a waiver from
11 the United States Department of Agriculture to exempt Supplemental Nutrition
12 Assistance Program enrollees from the federal resource limit, subject to the
13 asset limits under subdivision (b)(2) of this section.

14 (B) The Department of Human Services may request a broad-
15 based categorical eligibility waiver from the United States Department of
16 Agriculture if a waiver is necessary to implement the asset limits under
17 subdivision (b)(2) of this section.

18 (2) Upon the Department of Human Services obtaining the waiver
19 requested under subdivision (b)(1) of this section:

20 (A) The asset limit under the program shall be equal to
21 the federal resource limit;

22 (B)(i) If an enrolled household is determined by the
23 Department of Human Services to have accumulated countable assets greater
24 than the federal resource limit, the Department of Human Services shall grant
25 a temporary increase of the asset limit for that household to an amount set
26 by the Department of Human Services by rule for a period of up to one (1)
27 year.

28 (ii) The Department of Human Services shall set the
29 temporary asset limit at five thousand five hundred dollars (\$5,500) and may
30 seek waiver approval from the United States Department of Agriculture to
31 modify that amount to correspond with future changes in the federal resource
32 limit; and

33 (C) An enrolled household may receive a temporary increase
34 of the asset limit no more than one (1) time every five (5) years.

35
36 APPROVED: 4/11/23



STATE OF ARKANSAS BUREAU OF LEGISLATIVE RESEARCH

Marty Garrity, Director
Kevin Anderson, Assistant Director
for Fiscal Services
Matthew Miller, Assistant Director
for Legal Services
Jessica Whittaker, Assistant Director
for Research Services
Eric Sanders, Assistant Director
for Information Technology

MEMORANDUM

TO: Members, ALC – Executive Subcommittee

CC: Marty Garrity, Director, Bureau of Legislative Research;
Rebecca Miller-Rice, Administrator, Administrative Rules Review Section,
Legal Services Division

FROM: Lacey Johnson, Legislative Attorney, Administrative Rules Review Section,
Legal Services Division

DATE: April 1, 2025

SUBJECT: Legal Authorization for the Arkansas Department of Human Services, Division
of County Operations' Emergency Promulgation of a Rule Regarding
Supplemental Nutrition Assistance Program Updates Pursuant to Act 675 of
2023

The Department of Human Services has the responsibility to administer assigned forms of public assistance, *see* Ark. Code Ann. § 20-76-201(1), and it has the authority to make rules that are necessary or desirable to carry out its public assistance duties. Ark. Code Ann. § 20-76-201(12). The Department and its divisions also have the authority to promulgate rules as necessary to conform their programs to federal law and receive federal funding. Ark. Code Ann. § 25-10-129(b).

This rule implements Act 675 of 2023. The Act, sponsored by Senator Jonathan Dismang, amended the asset limits for the Supplemental Nutrition Assistance Program, allowed for an adjustment to the asset limit based upon inflation, included an automatic inflation adjustment, and directed the Department of Human Services to request a broad-based categorical eligibility waiver.