

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Community Based Services
Division of Family Support
(New Administrative Regulation)

921 KAR 3:100. Transitional benefit alternative.

RELATES TO: 7 C.F.R. 273.26 - 273.32

STATUTORY AUTHORITY: KRS 194A.050(1), 205.1783(1)(a), 7 C.F.R. 271.4

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to implement programs mandated by federal law or to qualify for the receipt of federal funds and necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs. KRS 205.1783(1)(a) requires the cabinet to establish a transitional benefit alternative as described in 7 C.F.R. 273.26 to 273.32. 7 C.F.R. 271.4 delegates the administration of the Supplemental Nutrition Assistance Program (SNAP) to the state agency. This administrative regulation establishes a SNAP transitional benefit alternative.

Section 1. Definitions.

- (1) "Kentucky Transitional Assistance Program" or "KTAP" means the program established in 921 KAR 2:006.
- (2) "Regular SNAP benefits" means SNAP benefits received in accordance with the procedures established in:
 - (a) 921 KAR 3:020, Financial requirements;
 - (b) 921 KAR 3:027, Technical requirements;
 - (c) 921 KAR 3:030, Application process; and
 - (d) 921 KAR 3:035, Certification process.
- (3) "Transitional benefit alternative" or "transitional benefits" means a consistent SNAP benefit amount received for a period of up to five (5) months during which a household transitions out of KTAP.

Section 2. Transitional Benefit Alternative Program Procedures. Unless a different procedure or process for a SNAP requirement is specified in this administrative regulation, all SNAP requirements specified in 921 KAR Chapter 3 shall apply to transitional benefits, including the process for:

- (1) A fair hearing;
- (2) An administrative disqualification hearing;
- (3) An appeal;
- (4) A disqualification;
- (5) A claim and collection of a claim; and
- (6) EBT issuance.

Section 3. Eligibility for a Transitional Benefit Alternative.

- (1) An individual shall qualify for transitional benefits if the individual:
 - (a) Resides in a household where all members were receiving KTAP; and
 - (b) KTAP eligibility ends due to the addition of earned income.
- (2) An individual may apply for regular SNAP benefits at any time in accordance with 921 KAR 3:030.
- (3) The cabinet shall not provide transitional benefits to an individual who is no longer eligible for KTAP because:
 - (a) Of a full-family TANF sanction; or
 - (b) All household members are ineligible to receive SNAP benefits because they are:

1. Disqualified for an intentional program violation;
2. Ineligible for failure to comply with a work requirement;
3. Ineligible students;
4. Ineligible immigrants;
5. Disqualified for failing to provide information necessary for making a determination of eligibility or for completing any subsequent review of eligibility;
6. Disqualified for knowingly transferring resources for the purpose of qualifying or attempting to qualify for the program;
7. Disqualified for receipt of multiple SNAP benefits;
8. Disqualified for being a fleeing felon; or
9. An able-bodied adult without dependents who failed to comply with work reporting requirements.

(4) An individual shall not receive transitional benefits and regular SNAP benefits at the same time.

Section 4. Transitional Benefit Alternative Recertification Process.

(1) The individual shall be required to recertify for regular SNAP benefits in the fifth (5th) month of receiving transitional benefits.

(2) A SNAP certification period may be extended in order to provide up to five (5) months of transitional benefits.

(3) If an individual receiving transitional benefits becomes eligible to receive KTAP during the transitional period, the cabinet shall use the information from a KTAP application to redetermine continued SNAP eligibility and benefits while the KTAP application is being processed.

(50 Ky.R. 1226; eff. 2-20-2024.)

LESA DENNIS, Commissioner

ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: September 22, 2023

FILED WITH LRC: October 9, 2023 at 3:15 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on December 27, 2023, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by December 18, 2023, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until December 31, 2023. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

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