

# DECLARATION OF EMERGENCY

## Department of Social Services Office of Family Support

### Food Stamps—Resource Standards and Limits (LAC 67:III.1947 and 1983)

The Department of Social Services, Office of Family Support, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to adopt the following emergency rule in the Food Stamp Program, effective April 8, 1996. This rule shall remain in effect for a period of 120 days.

The Department of Social Services is responsible for administering the Food Stamp Program. Public Law 103-66, the Omnibus Budget Reconciliation Act of 1993, mandated revisions in certain programs including the Food Stamp Program. The food stamp provisions are referred to as the Mickey Leland Childhood Hunger Relief Act.

Pursuant to this legislation, changes were made in the resource eligibility standards as well as the income and deductions. These changes were to be effected in certain increments at pre-defined intervals. The initial changes were promulgated in accordance with APA guidelines in 1994. The next changes were to be implemented in October 1995; however, the agency misinterpreted the directives which were provided because of the federal budget deadlock. As a result, neither the changes in resource eligibility standards nor income and deduction were implemented, nor were they promulgated. Steps have since been taken to correct the oversight and assure correct benefit issuance to clients beginning with the October 1995 benefits. This emergency rulemaking is being promulgated in order to minimize the chance of possible federal fiscal sanctions or penalties. A notice of intent will be submitted within established guidelines to incorporate this emergency rule, as well as future requirements of P.L. 103-66.

#### **Title 67**

#### **SOCIAL SERVICES**

#### **Part III. Office of Family Support**

#### **Subpart 3. Food Stamps**

#### **Chapter 19. Certification of Eligible Households**

#### **Subchapter H. Resource Eligibility Standards**

#### **§1947. Resources**

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B. The fair market value of vehicles which is excluded in determining a household's resources is \$4600.

AUTHORITY NOTE: Promulgated in accordance with F.R. 7:55463 et seq. and 47:55903 et seq., 7 CFR 273.8, P.L. 103-66.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 9:130 (March 1983), amended by the Department of Social Services, Office of Family Support, LR 20:990 (September 1994), LR 20:1362 (December 1994), LR 21:186 (February 1995), LR 22:

#### **Subchapter I. Income and Deductions**

#### **§1983. Income Deductions and Resource Limits**

A. - 1. ...

2. The maximum shelter deduction is \$247 for households which do not include a member who is elderly or disabled.

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AUTHORITY NOTE: Promulgated in accordance with F.R. 51:11009 et seq. and 51:11086 et seq., P.L. 99-500, P.L. 103-66, 7 CFR 273.9 and 273.10 (d)(1)(i).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 12:285 (May 1986), amended LR 12:423 (July 1986), LR 12:824 (December 1986), LR 13:181 (March 1987), LR 14:684 (October 1988), LR 15:14 (January 1989), amended by the Department of Social Services, Office of Family Support, LR 19:303 (March 1993), LR 19:905 (July 1993), LR 20:780 (July 1994), LR 20:990 (September 1994), LR 20:1362 (December 1994), LR 21:186 (February 1995), LR 22:

Madlyn Bagneris  
Secretary