

**§3108. Standard utility allowance**

When the department becomes aware of any decisions made by a public entity or an entity operating a publicly subsidized assistance program that adversely impacts eligibility for, or the amount of assistance to, households receiving assistance under the Supplemental Nutrition Assistance Program pursuant to section 3104, the department shall work in cooperation with that entity to achieve a resolution that minimizes the adverse impact on households receiving SNAP benefits. [PL 2021, c. 398, Pt. OO, §15 (AMD).]

**1. Examination of options.** When federal law governing either the Supplemental Nutrition Assistance Program or the Low-Income Home Energy Assistance Program is amended to eliminate the eligibility link whereby the SNAP standard utility allowance is automatically available to households receiving low-income home energy assistance benefits, the department shall immediately:

A. Examine and, if feasible, seek a waiver or grant of demonstration authority from the federal Department of Agriculture to continue to use the SNAP standard utility allowance in determining the amount of SNAP benefits available to households that previously qualified for that allowance solely by reason of receipt of low-income home energy assistance benefits; [PL 2021, c. 398, Pt. OO, §15 (AMD).]

B. Determine, in cooperation with all appropriate entities operating publicly subsidized housing programs, a method of providing individualized bills or appropriate documentation for tenants in subsidized housing that would identify the tenants' shares of incurred heating costs, if doing so would qualify these tenants for the SNAP standard utility allowance; [PL 2021, c. 398, Pt. OO, §15 (AMD).]

C. Determine if federal law would permit the use of the standard utility allowance by households that previously qualified for that allowance solely on the basis of receipt of low-income home energy assistance benefits and implement that section of law if doing so would not result in any increase in the households' rent and energy costs or any reduction in SNAP allotments to either those households or any other households receiving SNAP benefits; and [PL 2021, c. 398, Pt. OO, §15 (AMD).]

D. If none of the alternatives listed in paragraphs A to C result in making the SNAP standard utility allowance available to households that had received it before the change in federal law, immediately estimate the General Fund cost of providing allotments to affected households in an amount equal to the amount they would have received had the federal law not been amended, and promptly provide that information to the joint standing committee of the Legislature having jurisdiction over human resources matters. [PL 2021, c. 398, Pt. OO, §15 (AMD).]  
[PL 2021, c. 398, Pt. OO, §15 (AMD).]

**2. Notice.** The department shall provide prompt written notice to households affected by any change in federal law related to the eligibility link between the Supplemental Nutrition Assistance Program and the Low-Income Energy Assistance Program, or by any waiver received pursuant to this section, of the steps that households may take to gain eligibility for the SNAP standard utility allowance.

[PL 2021, c. 398, Pt. OO, §15 (AMD).]

**3. Waiver.** The department shall immediately seek a waiver or demonstration authority to operate a demonstration project from the federal Department of Agriculture that would make the SNAP standard utility allowance available to households that incur a heating or cooling cost separate from their rent or mortgage, even if those bills are not based on actual usage as determined by individualized metering.

[PL 2021, c. 398, Pt. OO, §15 (AMD).]

**4. Revised waiver application.** When federal approval for the waiver or demonstration authority described in this section is not granted, the department may submit a revised waiver request to accomplish the objectives of this section as fully as possible.

[PL 1995, c. 629, §1 (NEW).]

**5. Limitation.** This section must be implemented within the limits of the department's existing General Fund resources.

[PL 1995, c. 629, §1 (NEW).]

#### SECTION HISTORY

PL 1995, c. 629, §1 (NEW). PL 2021, c. 398, Pt. OO, §15 (AMD).

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