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HOW RESOURCES ARE TREATED IN FEDERAL PUBLIC BENEFIT PROGRAMS IN TEXAS

Program	Resource Limit	Vehicle rule ¹	EITC treatment*	Other resources
TANF**	\$1,000 (includes cash in checking/savings accounts and any other liquid resource)	\$4,650 of each car exempted; excess value counted toward \$1,000 limit	<p>Applicants: If the household is not already receiving the public benefit when they receive the EITC lump-sum payment, the EITC payment is not counted as a resource the month of receipt, or in the following month. However, <i>starting in the third month after the EITC payment is received, any unspent EIC funds would be counted as a resource.</i></p> <p>Recipients: If the household is already receiving the benefit when they receive the EITC payment, the EITC payment is not counted as a resource the month of receipt, or in the following 11 months. <i>After that, any unspent EITC refund would be counted.</i></p> <p>Exception: If the household loses eligibility for the benefits for more than 30 days during the 12 months described above, any unspent portion of the EITC payment will be counted as a resource when the household re-enrolls.</p>	See Page 3
Food Stamps**	\$5,000 (includes cash in checking/savings accounts and any other liquid resource)	\$15,000 of first car exempted; \$4,650 of each additional car exempted; excess value counted toward \$5,000 limit		
Children's Medicaid**	\$2,000; \$3,000 if household includes elderly or disabled member (includes cash in checking/savings accounts and any other liquid resource)	First car exempted; \$4,650 of each additional car exempted; excess value counted toward \$2,000/\$3,000 limit		
CHIP	\$5,000 (includes cash in checking/savings accounts and any other liquid resource)	\$15,000 of first car exempted; \$4,650 of each additional car exempted; excess value counted toward \$5,000 limit		
SSI	\$2,000 for single person; \$3,000 for couple (includes cash in checking/savings accounts and any other liquid resource) For a child, parents' resources in excess of the these limits are "deemed", i.e., counted toward the child's limit: \$2,000 if living with one parent; \$3,000 for two	First car exempted if used for employment, to get medical care, or transport disabled person; \$4,650 of each additional car exempted; excess value counted toward \$2,000/\$3,000 limits		
Federal Housing	Federally subsidized housing programs do not have resource limits, however a household's income does affect its eligibility and the amount of rental assistance it receives, and interest earned on resources is counted as income. If a household's resources exceed \$5,000, a percentage also may be counted as income, if that amount exceeds the family's actual net income from the assets. HUD determines the percentage based on the current passbook savings rate.			
Veterans' Benefits	The EITC/CTC do count as a resource, but the VA's resource limit is so high (\$80,000, not counting home and motor vehicle), that saving EITC refunds is not likely to affect eligibility.			

* Families should be encouraged to retain records of their EITC refunds.

**See the Texas Works Handbook, Section 1230, <http://www.dads.state.tx.us/handbooks/TexasWorks/PartA/>

OTHER RESOURCES THAT ARE EXEMPT FROM ASSET TESTS IN TEXAS

Note: This is NOT a comprehensive list. For a complete list of resource exemptions by program, see the Endnotes

Asset	Benefit Program		
	Food Stamps/Children's Medicaid/TANF ²	CHIP ³	SSI ⁴
Home and surrounding land	Yes	Yes	Yes
Household goods/Personal possessions	Yes	Yes	Household goods and personal property that are not worth more than \$2,000 total; <u>and</u> one wedding ring and one engagement ring.
IRA/Keogh Plan/SEP IRA	No	Yes	No
401K	Yes	Yes	No
IDAs	Yes	Yes	Yes
Unspent EITC payments	<u>Applicants:</u> Exempt in the month of receipt and following month <u>Recipients:</u> Exempt in the month of receipt and following 11 months		Exempt in the month of receipt and following 9 months
Texas Guaranteed Tuition Plan (formerly Texas Tomorrow Fund)	Yes	Yes	See footnote ⁵
529 plans	Yes	Yes	

ENDNOTES

¹ In addition to the vehicle amounts listed here, certain cars used for specifically defined purposes are also exempt, although these exemptions vary by program. See Section 1238.4, of the Texas Works Handbook, “How to Determine Fair Market Value of Vehicles,” at <http://www.dads.state.tx.us/handbooks/TexasWorks/PartA/A1200/tw-a1230.asp#1233.2> for a complete list by program.

² See the Texas Works Handbook, Section 1230, for complete rules by program. Handbook may be accessed at <http://www.dads.state.tx.us/handbooks/TexasWorks/PartA/A1200/tw-a1230.asp#1233.2>.

³ CHIP resource rules are in the Texas Administrative Code (Title 1, Part 15, Chapter 370, Subchapter B, Division 4, Section 370.44 “Income and Assets”) at [http://info.sos.state.tx.us/pls/pub/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=1&pt=15&ch=370&rl=44](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=1&pt=15&ch=370&rl=44)

⁴ See “Resources” section of the SSA publication “Understanding Supplemental Security Income” at <http://www.socialsecurity.gov/notices/supplemental-security-income/text-understanding-ssi.htm#over>.

⁵ “Dedicated accounts for disabled or blind children,” which may be used for education or job skills training, are exempt. See <http://www.socialsecurity.gov/notices/supplemental-security-income/spotlights/spot-dedicated-accounts.htm> for more information.

Tex. Admin. Code tit. 1, § 372.351

TEXAS ADMINISTRATIVE CODE
TITLE 1. ADMINISTRATION
PART 15. TEXAS HEALTH AND HUMAN SERVICES COMMISSION
CHAPTER 372. TEXAS WORKS
SUBCHAPTER B. ELIGIBILITY
DIVISION 6. RESOURCES

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Current through July 31, 2007

§ 372.351. What are resources in the TANF and Food Stamp programs?

(a) In the TANF Program, resources are cash (or its equivalent) and property that is convertible to cash (or its equivalent). This includes cash from income that is not obligated in the month of receipt, and lump sum payments that may be received intermittently and no more often than once annually.

(b) In the Food Stamp Program, DHS follows the definition of resources in [7 CFR §273.8\(c\)](#).

Source: The provisions of this §372.351 adopted to be effective March 17, 2004, 29 TexReg 2661; transferred effective April 1, 2004, as published in the Texas Register July 2, 2004, 29 TexReg 6359.

1 TAC § 372.351, 1 TX ADC § 372.351

1 TX ADC § 372.351

END OF DOCUMENT

Tex. Admin. Code tit. 1, § 372.352

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§ 372.352. How do resources affect eligibility in the TANF and Food Stamp programs?

In the TANF and Food Stamp programs, a household meets the resources eligibility requirement if the household's countable resources are at or below the applicable resource limits explained in §3.354 of this chapter (relating to What are the countable resource limits of the TANF and Food Stamp programs?).

Source: The provisions of this §372.352 adopted to be effective March 17, 2004, 29 TexReg 2661; transferred effective April 1, 2004, as published in the Texas Register July 2, 2004, 29 TexReg 6359.

1 TAC § 372.352, 1 TX ADC § 372.352

1 TX ADC § 372.352

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Tex. Admin. Code tit. 1, § 372.353

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§ 372.353. How does DHS determine the value of a non-cash resource?

(a) DHS considers the value of a non-cash resource, except for a vehicle, to be the actual amount of money available from the sale of the resource, which DHS determines by subtracting from the resource's fair market value any money owed on the resource and any costs usually associated with selling the resource.

(b) DHS considers the value of a vehicle to be its fair market value.

Source: The provisions of this §372.353 adopted to be effective March 17, 2004, 29 TexReg 2661; transferred effective April 1, 2004, as published in the Texas Register July 2, 2004, 29 TexReg 6359.

1 TAC § 372.353, 1 TX ADC § 372.353

1 TX ADC § 372.353

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§ 372.354. What are the countable resource limits of the TANF and Food Stamp programs?

(a) In the TANF Program, the limit of countable resources is \$1,000 and up to \$4,650 for one vehicle.

(b) In the Food Stamp Program, DHS follows [7 CFR §273.8\(a\) and \(b\)](#) in determining the limit of countable resources. Unless a household is categorically eligible for benefits under [7 CFR §273.2\(j\)](#), the countable resource limit for a household is thus:

- (1) \$2,000 (or \$3,000 if a member of the household is at least 60 years of age and disabled);
- (2) up to \$15,000 for the first vehicle; and
- (3) up to \$4,650 for each additional vehicle.

Source: The provisions of this §372.354 adopted to be effective March 17, 2004, 29 TexReg 2661; transferred effective April 1, 2004, as published in the Texas Register July 2, 2004, 29 TexReg 6359.

1 TAC § 372.354, 1 TX ADC § 372.354

1 TX ADC § 372.354

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Tex. Admin. Code tit. 1, § 372.355

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§ 372.355. Whose resources does DHS count in determining TANF and Food Stamp program eligibility?

(a) In determining TANF eligibility, unless the resource is excluded under §3.356 of this chapter (relating to What resources does DHS count in the TANF Program?), DHS counts the resources of:

- (1) the members of the certified group;
- (2) each parent of a child in the certified group who lives in the household and is ineligible or disqualified from receiving TANF benefits;
- (3) each sibling of a dependent child in the certified group who lives in the household and is disqualified from receiving TANF benefits; and
- (4) in the case of a household containing a sponsored alien, the resources of the sponsor (and the sponsor's spouse).

(b) DHS follows [7 CFR §273.8](#) in determining whose resources are counted in the Food Stamp Program.

Source: The provisions of this §372.355 adopted to be effective March 17, 2004, 29 TexReg 2682; transferred effective April 1, 2004, as published in the Texas Register July 2, 2004, 29 TexReg 6359.

1 TAC § 372.355, 1 TX ADC § 372.355

1 TX ADC § 372.355

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Tex. Admin. Code tit. 1, § 372.356

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§ 372.356. What resources does DHS count in the TANF Program?

DHS counts all resources of the persons described in §3.355(a) of this chapter (relating to Whose resources does DHS count in determining TANF and Food Stamp program eligibility?), except DHS does not count the following resources in determining TANF eligibility:

- (1) an amount up to \$7,500 per person of prepaid burial insurance (or of a prepaid funeral plan);
- (2) burial plots;
- (3) crime victim compensation funds;
- (4) earned income tax credit payments to applicants the month of receipt and the following month, and to recipients the month of receipt and the following 11 months;
- (5) the homestead and surrounding real property. Any structure, including a houseboat or a motor home, that the household uses as its residence is excluded as long as it is being used as a residence.

Tex. Admin. Code tit. 1, § 372.358

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§ 372.358. May members of a household transfer resources without affecting their eligibility for assistance under this chapter?

(a) In the TANF Program, DHS calculates a period of ineligibility based on the fair market value of a resource that the household transfers without compensation:

(1) during the three months before the application file date described in §3.903 of this chapter (relating to What is the application file date?), if the resource is countable under §3.356 of this chapter (relating to What resources does DHS count in the TANF Program?); and

(2) during any period in which DHS has certified the household for TANF benefits, if the resource is countable under §3.356 of this chapter.

(b) In the Food Stamp Program, DHS follows [7 CFR §273.8\(i\)](#) to determine whether a transfer of resources by an applicant or recipient affects the applicant's or recipient's eligibility.

Source: The provisions of this §372.358 adopted to be effective March 17, 2004, 29 TexReg 2661; transferred effective April 1, 2004, as published in the Texas Register July 2, 2004, 29 TexReg 6359.

1 TAC § 372.358, 1 TX ADC § 372.358