

DEPARTMENT OF SOCIAL SERVICES
144 P Street, Sacramento, CA 95814

June 30, 1982

ALL-COUNTY INFORMATION NOTICE I-76-82

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: DETERMINING SHELTER EXPENSES FOR FOOD STAMP PURPOSES WHEN A FOOD
STAMP HOUSEHOLD PAYS HOUSING COSTS WITH NONHOUSEHOLD MEMBERS

REFERENCE:

The purpose of this letter is to provide counties with guidelines for determining shelter deductions for Food Stamp households which pay their housing expenses jointly with nonhousehold members. The Food Stamp Program Management Branch has received numerous requests for clarification on how to handle a situation where a Food Stamp household and nonhousehold members combine their funds to make one joint housing payment. The County Welfare Departments (CWDs) are experiencing difficulties in determining when this situation should be considered a shared housing situation and when it should be considered a roomer situation. To assist counties in making this determination, the following guidelines have been developed to aid the CWDs in classifying these housing arrangements. These guidelines apply to all Food Stamp households that normally pay their housing expenses with nonhousehold members.

Shared Housing Situation

A shared housing arrangement may occur when two or more individuals live together but do not qualify as a single household for Food Stamp purposes (MPP Section 63-402.13). This situation may apply to two or more separate Food Stamp households or to Food Stamp household(s) who live with and share shelter expenses with nonhousehold member(s) who do not receive Food Stamp benefits. A household living in this type of an arrangement would contribute an amount for their share of the shelter expenses which is mutually agreed upon by each household. Households in this situation may share costs based upon a fixed percentage (e.g., each pays 50% of the expenses), or each household may pay for specific items (e.g., one pays utilities and one pays the rent.) Shared housing could also occur when two or more individuals who are not all members of one Food Stamp household commingle a portion of their income and use these combined funds to pay for shelter expenses.

Each Food Stamp household in a shared housing situation may claim the shelter expense that each household actually incurs. However, per MPP Section 63-503.55, if the payments or contributions toward shelter expenses by each individual cannot be differentiated, the expenses shall be prorated evenly among persons actually paying or contributing to the expense and only the Food Stamp household's prorata share deducted. In addition, per MPP Section 63-502.361, each Food Stamp household which is entitled to the Standard Utility Allowance (SUA) shall receive the total SUA even if it shares expenses with others.

A payment to the Food Stamp household from anyone, who resides in the home and who is not a member of that Food Stamp household, for the nonhousehold member(s) shelter expense would not count as income to the Food Stamp household to the extent that the payment does not exceed the actual expense and does not represent a gain or benefit to the Food Stamp household (MPP Section 63-502.2(e)). Even though the payment is for a normal living expense (i.e., rent or utilities), it is not a reimbursement for the Food Stamp household's normal living expense. It is a reimbursement for the nonhousehold member(s) normal living expense which the Food Stamp household is paying and, therefore, not counted as income to the Food Stamp household.

Roomer Situation

A roomer is an individual(s) to whom a household furnishes lodging, but not meals for compensation (MPP Section 63-402.21). A roomer pays the household a specified amount for rent each month. This amount will not usually vary from month to month unless the household and the roomer negotiate a change in rent.

A roomer household which is applying for food stamps may claim the rent expense it incurs as the household's shelter expense. However, per MPP Section 63-502.361, unless the roomer household incurs certain utility costs (other than telephone costs, water, sewage and garbage fees) separate and apart from their rent, the roomer household would not be entitled to the SUA.

A Food Stamp household with roomers would have any payment for a shelter expense paid to them from the roomer(s) counted as income (MPP Section 63-502.112) and handled in accordance with MPP Section 63-503.51.

Shared Housing vs Roomer Situations

The following criteria should be used on a case-by-case basis as indicators to determine whether a Food Stamp household is in a shared housing or roomer situation:

1. Dwelling Ownership

If the owner of the dwelling resides in the dwelling but is not part of the Food Stamp household, the Food Stamp household should be considered a roomer household unless they can demonstrate why they are not.

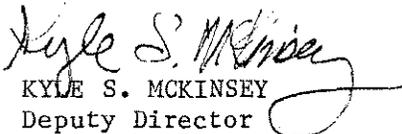
Likewise, if the owner is a member of the household but there are other persons who reside in the dwelling who are not members of the household, these nonhousehold members are normally considered roomers unless they can demonstrate otherwise.

2. Tenant Acts as Landlord

If the owner of the dwelling does not reside in the dwelling but one of the tenants of the dwelling assumes the role of a landlord by making decisions regarding the other tenants' living arrangements without their mutual consent the other tenants are roomers of the "landlord tenant". A tenant may be considered to have assumed the role of a landlord to the other tenants when he/she exercises the same types of authority as a landlord such as:

- a) setting the amount each tenant will pay for their shelter expense or increasing the amount to be paid by the other tenants, independent of the amount actually paid to the owner;
- b) subletting a portion of the dwelling to another person;
- c) limiting the other tenants access to the dwelling's facilities which may include kitchen, living area or laundry facilities.

If you have any questions regarding this letter or need additional information, please contact your Food Stamp Program Operations analyst.


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Deputy Director

cc: CWDA
FNS/WRO