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TANF TIME LIMITS

2400 BACKGROUND

The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, also known as the 1996 Welfare Reform Act, became law effective August 22, 1996. This comprehensive legislation changed the nation's welfare system into one requiring work in exchange for time-limited cash assistance. It created the federal Temporary Assistance to Needy Families (TANF) Program, which replaced Aid to Families with Dependent Children (AFDC). The TANF program imposed a cumulative 60-month lifetime limit on the receipt of cash assistance, including TANF received from other states.

PRWORA provided states the authority to establish and implement the federal 60-months federal lifetime limits.

Nevada implemented the 60-months federal lifetime limit January 1, 1997, while other states' TANF programs may have started before or after January 1, 1997. Beginning January 1, 1998, Nevada established policy of how the 60-months lifetime limits would be received.

Effective January 1, 1998, federal regulation required that a household in which a minor parent who is/was the head of household for their own case are limited to receiving TANF benefits, whether consecutive or cumulative, from Nevada or any other state for 60-months.

Effective October 1, 1999, TANF time limits do not apply to any month a recipient did not receive cash benefits due to the \$10 limit, or the benefit amount is reduced to zero to recover an overpayment.

Nevada implemented the Loan Program effective October 1, 2007 as a result of the "Deficit Reduction Act (DRA)". Nevada implemented policy regulations to mirror the TANF/NEON time limits for any months an adult member received Loan cash benefits beginning October 1, 2007.

Although federal and state time limits are very stringent, benefits may be received beyond the state or federal time limits if the head of household is suffering from a qualifying hardship.

2410 ELIGIBILITY REQUIREMENT

2411 TANF PROGRAMS TIME LIMITS

2411.1 When Time Limits are Applied

Time limits **are** applied to:

- Nevada's TANF/NEON, ERP, and/or Loan Program;
- Any TANF benefits received from other states;
- A household (effective January 1998) in which a minor parent is/was the head of household for their own case; and
- Any months in which a recipient lived in Indian country or an Alaskan native village with an adult unemployment rate of **less than 50%**.

Note: The Washoe Tribe of Nevada and California (WTNC) **does not** meet the adult unemployment rate of less than 50%; therefore, any month an adult household member received Tribal TANF benefits must be considered in the time limit counts. Enter Tribal TANF months on the adult member's time limit screen (MEMB>TLMT).

2411.2 When Time Limits are Not Applied

Time limits do NOT apply to:

- Child-Only Programs because an adult household member does not receive benefits;
- Nevada's
 - Self-Sufficiency Grant (SSG) and/or
 - Temporary (TEMP) Program

2412 Federal Time Limits

A household may not receive from Nevada or any other state more than 60 months of TANF cash benefits.

A TANF/NEON, ERP, and/or Loan household in which any adult member (this includes a minor parent who is/was the head of household for their own case) received TANF benefits from Nevada or any other state for 60 months, regardless of whether consecutive or cumulative, is prohibited from receiving TANF/NEON, Loan or SSG cash benefits, unless the head of household is granted a hardship extension.

2413 Nevada Time Limits

In addition to the federal lifetime limits implemented by Nevada January 1, 1997, Nevada established policy effective January 1, 1998 of how the 60-months lifetime limit benefits would be received.

Provided federal lifetime limits have not been met, Nevada benefits may be paid as follows:

1. The household is limited to receiving whether consecutive or cumulative, a maximum of 24 months of Nevada issued cash assistance. After receiving 24 months, they are prohibited from receiving cash assistance for 12 consecutive months.
2. After not receiving cash assistance for 12 consecutive months, the household may reapply for cash benefits, if eligible, for another 24 months.
3. After not receiving cash assistance for an additional 12 consecutive months, the household may reapply for cash benefits, if eligible, for the final 12 months.

Exception: Benefits **may** continue if the household has an approved qualifying hardship.

2414 WHEN TIME LIMIT COUNTS BEGIN

Nevada's TANF/NEON, ERP, and/or Loan cash assistance counts in the month payment is received, rather than for the month the payment was authorized.

Example: Client applies for NEON on April 22 and the case is approved on June 30. The client receives the first cash benefit in July which covers July, as well as a prorated benefit for May and June. Since the benefit for all months was **received** in July, only July will count toward the time limit.

NOTE: All new TANF/NEON or Loan applications must include a look back at any months an adult household member received TANF LOAN benefits beginning October 1, 2007. The Loan months must be manually added to the TANF TLMT screen.

The total time limit months from NEON, ERP, and/or Loan will be used by NOMADS in determining the federal lifetime and Nevada months for TANF/NEON and/or Loan eligibility. If a new adult household member is added to an existing NEON case, the added individual's NEON, ERP, and/or Loan months must be evaluated and considered in determining the assistance unit's continued assistance.

NOTE: Although months in which ERP is received are counted against the time limits, ongoing ERP recipients are exempt from termination based on the time limits having been exhausted. An automatic hardship will be granted in order to allow continuation of ERP benefits through the full six months (Refer to manual section A-800).

NOMADS is the state's "official" TANF time limit tracking record. Federal and state retention for keeping records is 37 months. Households who dispute the state's official time limit tracking record must provide proof they did not receive the benefits.

2415 FEDERAL AND NEVADA EXCEPTIONS OF TIME LIMITS

The following exceptions are *not* considered in the Federal or Nevada time limit counts:

- Battered non-citizens who entered the U.S. on or after August 22, 1996 and have not served a five year bar will receive Nevada state-funded (MOE) TANF cash assistance. Once the five year bar is served, cases must be transferred from MOE to federal TANF, if otherwise eligible. (Refer to A-400);
- Any month in which the recipient lives in Indian country or an Alaskan native village with an adult unemployment rate of at least 50%. Refer to TANF Charts/Part C-190 for a list of tribal lands with a 50% unemployment rate.
- Child-Only cases because an adult household member does not receive benefits for themselves.
- Any months (effective October 1, 1999), recipients did not receive benefits (i.e., benefit amount is under \$10 and benefits are not issued, or the benefit amount is reduced to zero to recover an overpayment).
- Individuals ineligible for TANF due to felony drug-related conviction.
- Support services provided for pre-eligibility work activities.

2420 HARDSHIP

All TANF cases reaching state and federal time limits are to be reviewed by the Hardship Committee in each district office for possible extensions to the 24- or 60-month rules. The Hardship Committee is made up of the Employment and Training/NEON and Social Work Supervisors in each district office. Should a supervisor need assistance, a designee may be appointed by the Chief, Employment and Supportive Services.

NOTE: For households eligible for ERP, an automatic hardship will be granted if state or federal time limits have been exhausted in order to allow continuation of ERP benefits through the full six months (Refer to manual section A-800).

2421 Granting a Hardship to Federal and State Time Limits

The Personal Responsibility and Work Reconciliation Act of 1996 imposes a 20% limit of the average TANF caseload on the number of households allowed an exemption from the federal 60-month lifetime limit on receipt of TANF benefits. Households with hardships will be monitored through the OASIS system Hardship Tracking report.

The district office Hardship Committee members, on behalf of the division, may determine the head of household to be suffering from a hardship after considering the input from the Hardship Committee.

The decision of district office Hardship Committee members is final and not subject to appeal.

2422 Extension of Benefits Due to Hardship

A household receiving benefits beyond the state or federal time limits because the head of household is suffering from a qualifying hardship may continue to receive benefits for as long as the head of household is suffering from the hardship. A household that is not currently receiving benefits, but later suffers a qualified hardship, may reapply for and receive benefits beyond the state or federal time limits. Once the head of household no longer suffers from the hardship, the household is not eligible to receive benefits:

- for 12 consecutive months if the household has not reached the federal 60-month lifetime limit.
- during the lifetime of the head of household if the household has reached the federal 60-month lifetime limit, unless the head of household again suffers from a hardship.

Exception:

A head of household suffering from a hardship under the following circumstances will not be eligible to have benefits extended due to the hardship:

- Being an adult, single custodial parent with a child less than one year of age if they have used their 12-month lifetime NEON exemption limit for this hardship reason.
- The administrator must deny or suspend granting extensions to the federal time limit for hardship reasons due to the 20% limitation of individuals in a hardship category.