

June 26, 2014

Sharon L. Summers  
Planning & Policy Development Unit  
Division of Social Services  
1901 North DuPont Highway  
P. O. Box 906  
New Castle, DE 19720-0906

**RE: DSS Proposed Food Supplement Program Household Definition Regulation [17 DE Reg. 1145 (June 1, 2014)]**

Dear Ms. Summers:

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed the Division of Social Services (DSS) proposal to adopt an amendment in its Food Supplement regulations to conform to statute. House Bill No. 75 was enacted in 2013 which resulted in adoption of the following statute:

§129. Equal Treatment of Marital Relationships.

(a) All laws of this State applicable to marriage or married spouses or the children of married spouses, whether derived from statutes, administrative rules or regulations, court rules, governmental policies, common law, court decisions, or any other provisions or sources of law, including in equity, shall apply equally to same-gender and different-gender married couples and their children.

Title 13 Del.C. §129.

The existing federal [7 C.F.R. 273.1] and State regulations covering eligibility for the Food Supplement Program define a "household" as including "spouses" who live together regardless of whether they customarily purchase food and prepare meals together. DSS is adopting new language so same-gender spouses would be treated the same as different-gender spouses for purposes of eligibility for benefits under the Food Supplement Program as required under §129. Council **endorses** the proposed change.

Thank you for your time and consideration in reviewing our observations. Please feel free to contact me or Wendy Strauss should you have any questions.

Sincerely,

Terri A. Hancharick

TAH:kpc