



# OFFICE OF POLICY, PROCEDURES AND TRAINING

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## POLICY BULLETIN #17-12-ELI

*(This Policy Bulletin Replaces PB #12-40-ELI)*

### CLARIFICATION ON THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) DEFINITION OF DISABILITY

<p><b>Date:</b> February 3, 2017</p>	<p><b>Subtopic(s):</b> SNAP</p>
	<p><b>Revisions to the Original Policy Bulletin:</b></p> <p>This policy bulletin has been revised to inform staff that the following criteria for being determined disabled for SNAP has been <u>removed</u> from the procedure:</p> <ul style="list-style-type: none"> <li>• Pending an Supplemental Security Income (SSI) decision if one of the following conditions are met:             <ul style="list-style-type: none"> <li>▪ Non-citizens with Employability Code <b>43</b> (SSI pending) may be considered disabled while awaiting or appealing the SSI determination.</li> <li>▪ Cash Assistance received by non-citizens with AIDS or HIV-related illness and who are receiving benefits from the HIV/AIDS Services Administration (HASA).</li> </ul> </li> </ul> <p>Pending an SSI decision was removed because filing an application for SSI or appealing an SSI determination does not on its own confer disability status for SNAP. In addition, being a recipient of services from HASA or receiving an enhanced rent subsidy from HASA does not confer disability status for SNAP because the assessment necessary to receive benefits from HASA cannot at all times be determined to be at least as stringent as the definition of being disabled under Title XVI of the Social Security Act.</p> <p><b>Purpose:</b></p> <p>The purpose of this policy bulletin is to remind staff making SNAP eligibility determinations of the criteria under which an individual may be determined disabled for SNAP.</p>

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Any household containing an individual determined to be aged (age 60 or older) or disabled, allows the household to have its eligibility and benefit level for SNAP to be determined under special rules. The special rules include:

- Being categorically eligible for SNAP benefits with household gross income below 200% of the Federal Poverty Level;
- a higher resource threshold for non-categorically eligible households;
- a deduction for medical expenses that are in excess of \$35 per month;
- an exemption from the maximum excess shelter cap; and
- an exemption from the gross income test

To be considered disabled for SNAP, an individual must meet at least one of the following criteria:

- receiving SSI benefits;
- receiving Social Security Disability (SSD) payments;
- a veteran receiving 100% disabled veteran's benefits – service connected;
- a veteran receiving 100% disabled veteran's benefits – non-service connected;
- a veteran or surviving spouse of a veteran and considered by the Veteran's Administration (VA) to be permanently homebound or in need of regular aid and attendance;
- a surviving child of a veteran and considered to be permanently incapable of self-support;
- a surviving spouse or child of a veteran and entitled to compensation for a service-connected death or pension benefits for a non-service connected death based on a VA determination and has a disability considered permanent under the Social Security Act;
- receiving Federal or State supplemental benefits provided that the eligibility to receive the benefits is based upon a disability or blindness;
- receiving Federal or State administered supplemental benefits;
- receiving Federal, State, or City government disability pension;
- receiving Railroad Retirement disability income;
- receiving Medicaid (MA) based upon certification by MA as disabled, blind, or "SSI-related".

See [PD #13-09-ELI](#)  
Determining Qualified  
Alien Status for  
Battered/Abused  
Noncitizens and  
PRUCOL Eligibility

Qualified non-citizens who are subject to the five-year wait period for SNAP benefits may be eligible for SNAP prior to reaching five years in qualified status if they meet one of the definitions of disability and otherwise qualify for SNAP benefits. The exception to this a qualified non-citizen who is receiving Medical Assistance (MA) based upon certification by MA as “SSI-related” when the sole factor for that certification is the individual being 65 or older. In order to receive SSI as an aged individual, the person must be age 65 or older, which is different than the SNAP aged guidelines. Therefore, a non-citizen who is receiving MA solely due to being aged 65 or older is not considered disabled for waiving the 5-year SNAP wait period.

New Indicator for SNAP  
Eligibility for Aliens

In the past, the Welfare Management System (WMS) did not allow SNAP activation for certain non-citizens when the Date of Status (element 389 of the TAD) was less than five years unless they were in receipt of SSI or deemed SSI eligible.

See [PD #16-21-SYS](#)

Effective, with the WMS Software Release Version 2016.3, a new field, SNAP Alien Indicator (element **313** of the **TAD**) was created. The only acceptable value for the Indicator is “**X**”, otherwise an error message will be generated: “**INVALID SNAP ALIEN INDICATOR**”. Entry of this new Indicator will allow SNAP Activation only for individuals with Alien Citizenship Indicator (**ACI**) (element **382** of the **TAD**) code of:

- **K** – Persons lawfully admitted for permanent residence;
- **B** – Certain battered aliens who are the immediate relatives (spouse or child) of a US citizen or lawful permanent resident alien who have been battered or subject to extreme cruelty by the spouse or parent; or
- **G** – Persons paroled into the US for at least one year.

*Effective Immediately.*

#### **References:**

SNAP Source Book Section 5, pages 56-57  
P.L. 93-66  
P.L.107-171  
20 CFR 416, §416.110  
20 CFR 416, §416.202  
18NYCRR §353.2(a)(1)(i)  
02 ADM 07  
03 INF 14  
99 LCM-1

**Related Items:**

[PB #03-88-ELI](#)

Questions and Answers for the Food Stamp  
Program Eligibility of Aliens

[PD #13-09-ELI](#)

Determining Qualified Alien Status for  
Battered/Abused Noncitizens and PRUCOL  
Eligibility

[PD #16-21-SYS](#)

Welfare Management System (WMS) Software  
Release Version 2016.3