



FAMILY INDEPENDENCE ADMINISTRATION

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POLICY DIRECTIVE #12-04-ELI

(This Policy Directive Replaces PD #08-01-ELI)

FOOD STAMP RESOURCE POLICY

Date: March 8, 2012	Sub-Topic(s): Resources, Categorical Eligibility
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AUDIENCE The instructions in this directive are for staff in Non Cash Assistance (NCA) Food Stamp (FS) Centers and Job Centers who make separate FS determinations. For all other staff this directive serves as information. This procedure serves as an addendum to the resource procedure in Section 17 of the Food Stamp Source Book (FSSB).

REVISION TO ORIGINAL DIRECTIVE

This policy directive has been revised to:

- 1) Reflect the increase from \$3000 to \$3250 in the Food Stamp Program resource limit for non-categorically eligible households with a disabled or elderly member that became effective on October 1, 2011.
- 2) Include an expansion in categorical eligibility that became effective on March 1, 2009. With this expansion, households that pass the 200% gross income test (GIT) and incur out-of-pocket dependent care costs are to be deemed categorically eligible if they do not contain any individuals who are disqualified from receiving FS due to an Intentional Program Violation (IPV) or a sanction.
- 3) Remind staff that most households are categorically eligible and are **not** subject to the resource test and limits discussed in this policy directive.
- 4) Advise staff that instructions to use the National Automobile Dealers Association (N.A.D.A) Official User Car Guide have been removed as the N.A.D.A. books are no longer provided.

HAVE QUESTIONS ABOUT THIS PROCEDURE?
Call 718-557-1313 then press 3 at the prompt followed by 1 or
send an e-mail to *FIA Call Center*

POLICY

As a condition of eligibility, applicants for and/or participants in food stamp programs must not exceed the resource limits. All resources (if any) must be evaluated to determine if they can be counted toward the resource limit or be exempted.

Revised Information Effective October 1, 2011, the FS Resource Limit for households with a disabled or elderly member was raised from \$3,000 to \$3,250.

Reminder regarding categorical eligibility The Resource Test is **not applied** to households that are categorically eligible for FS. Categorically eligible households are households in which all members receive or are eligible for Family Assistance (FA), Safety Net Assistance (SNA) and/or Supplemental Security Income (SSI). Categorical eligibility is also extended to households that do not have a member who is sanctioned for FS or disqualified due to an IPV and:

- Exempt from Resource Test
 - Pass the 130% gross income test; or
 - Have members who are aged or disabled and pass the 200% gross income test; or
- Additional Information
 - Have out-of-pocket dependent care costs and income at or below 200% of the federal poverty level for the appropriate household size.

Non-categorically eligible households Households that contain a sanctioned individual or an individual disqualified as a result of an IPV are not categorically eligible for FS. Only these non-categorically eligible households must pass the 130% GIT, 100% net income test (NIT), and the \$2,000 resource test. If the non-categorically eligible household contains an elderly or disabled member, the household is exempt from the 130% GIT and the resource limit is increased to \$3,250.

Households that incur an out-of-pocket dependent care expense are not eligible for FS if they fail the 200% GIT.

Licensed Vehicles FS program resource limits allow the exclusion of one licensed vehicle per adult member of the household, and one licensed vehicle for each child under age 18 when the vehicle(s) is/are used for school, work, training or to look for work.

Any additional vehicle must be evaluated and can be excluded if it is:

- used to produce earned income (including situations where the use of one’s personally owned vehicle is required for employment such as that of a courier, delivery person, etc.).
- producing annual income consistent with its fair market value, even if used only on a seasonal basis.

- necessary for long-distance travel, other than daily commuting, if it is essential to the employment of a household member, or ineligible alien or disqualified person whose resources are being considered available to the household.
- used as the household's home.
- necessary to transport a physically disabled household member, even if that individual is an ineligible alien or a physically disqualified person whose resources are considered available to the household, regardless of the purpose of the transportation.
- leased by a household member.
- registered to a member of the household but the title is held by a non-household member, so long as no member of the household is permitted to access the cash value of the vehicle.
- used to carry fuel for heating or water for home use when such transported fuel or water is the primary source of fuel or water for the household.
- likely to produce a return of \$1,500.00 or less because the household's interest is minimal or the cost of selling it is relatively great (inaccessible provision).

This does not apply to vehicles with outstanding loans and titles held by the bank.

Licensed vehicles that do not meet the criteria for exclusion must have their full equity value (fair market value minus encumbrances) applied to the household's applicable resource limit.

Unlicensed vehicles and recreational vehicles must have their full equity value applied to the household's applicable resource limit.

The following is a partial list of resources that are excluded when determining FS eligibility.

Excluded Resources

- Individual development accounts – if a withdrawal is made for purposes other than post-secondary education, purchase of a first home or business capitalization, the remaining balance in the account is considered an available resource
- Educational grants, loans, or scholarships – as long as they are not combined with other savings
- Housing and Urban Development (HUD) community development block grant funds (Federal Emergency Management Agency) (FEMA subsidies are also excluded)
- Earned Income Tax Credit (EITC) Refunds – as long as they are identified as such
- Child's savings account under \$500 – if accumulated from gifts from non-legally responsible relatives or from the child's own wages (the child must be a household member under 21 years old for the purpose of this exclusion)
- German reparation payments – as long as they are identified as payments received from the Federal Republic of Germany

This is in addition to the burial plot, which is already excluded.

- Austrian General Social Insurance Payments – as long as they are identified as such
- Funds and agreements for burial services and headstones, not to exceed \$1,500 per household member.

For other excluded resources refer to section 17 of the FSSB.

During the application/recertification interview or when processing a separate FS determination, the Worker must explore the availability of any resource(s) with the applicant/participant to help determine if the H/H is categorically eligible for FS. If so, do not request verification of reported resources or apply the Resource Test when determining FS eligibility. If the H/H is not categorically eligible for FS, the Worker must identify the resource as either exempt or non-exempt in order to determine eligibility. Refer to the CA and FS Resource Limits/Exemptions Desk Guide (**W-204X**) for additional information on resource limits and exemptions. The **W-204X** has been revised to reflect current FS resource policy.

CA and FS Resource Limits/Exemptions Desk Guide (**W-204X**) updated

REQUIRED ACTION

Licensed Vehicles

When an applicant/participant presents verification that s/he has a vehicle:

- Review the vehicle registration to document the make, model, year, license plate number, registration expiration date and class of registration. For newer vehicles ownership is documented by the title of the motor vehicle;
- Determine if the vehicle meets the criteria for exclusion. If the vehicle does not meet the criteria for exclusion, apply the full equity value of the vehicle toward the household's resource limit;
- Refer to the Kelley Blue Book online for the current wholesale or trade-in (fair market value [FMV]) value of the vehicle; or
- If the applicant/participant claims that the Kelley Blue book value does not apply to his/her vehicle, give him/her the opportunity to submit an appraisal from a reliable source.

Refer to [PD #03-42-OPE](#) for information on accessing the Kelley Blue Book online.

Revised Information

Note: Instructions to staff to use the N.A.D.A Official Used Car Guide as an alternative to the Kelly Blue Book have been removed as the N.A.D.A. books are no longer provided.

FS Closing Codes

Reason

Closing/Denial Codes

I46	Excess Resources – Elderly Person(s) Not In Home (Timely)
U41	Transfer of Excess Resources
U44	Excess Resources of Alien Sponsor
U45	Increased Resources (recertification closing) (Timely)
U97	Opened in Error – Excess Resources

FS Denial Codes

Reason

U40	Excess Resources
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An applicant's/participant's case that is denied/closed due to excess resources must remain closed until the excess resource is sold, exhausted, or is no longer available to the household.

PROGRAM IMPLICATIONS

Paperless Office System (POS) Implications

The **Resources** window records various types of resources the household member(s) may possess. The Worker must use the scroll bar to view all of the questions. A "Yes" response to any question prompts a **Response to Question** window. Enter the required information, including all documents to be scanned that refer to the resource, along with a comment. Then click the **OK** button (to save the response before exiting the question) or the **Cancel** button (to exit the question without saving the response). The questions are also available in Spanish (to review the Spanish text, click once on the Spanish button; then click once more to return to English text).

LIMITED ENGLISH PROFICIENT (LEP) AND HEARING-IMPAIRED IMPLICATIONS

For Limited English Proficient (LEP) and/or hearing impaired applicants/participants, make sure to obtain appropriate interpreter services in accordance with [PD #11-33-OPE](#) and [PD #08-20-OPE](#).

FAIR HEARING IMPLICATIONS

Ensure that all case actions are processed in accordance with current procedures and that electronic case files are kept up to date. Remember that applicants/participants must receive either adequate or timely and adequate notification of all actions taken on their case.

Avoidance/
Resolution

If an applicant/participant comes to the Food Stamp Center and requests a conference, the Receptionist must alert the Center Director's designee that the applicant/participant is to be seen. If the applicant/participant contacts the Eligibility Specialist directly, advise the applicant/participant to call the Center Director's designee. In Model Offices, the Receptionist at Main Reception will issue a FS Conf/Appt/Problem ticket to the applicant/participant to route him/her to NCA Reception area and does not need to verbally alert the Center Director. The NCA Receptionist will alert the Center Director once the applicant/participant is called to the NCA Reception desk.

Conferences at NCA
FS Centers

The Center Director's designee will listen to and evaluate the applicant's/participant's complaint regarding the case closing. The applicant/participant must provide current verification of address to resolve the issue. After reviewing the documentation, case record and discussing the issue with the Group Supervisor/Eligibility Specialist, the Center Director's designee will make a decision. The Center Director's designee will decide to resolve or defend the case based on all factors including, but not limited to, whether the case was closed correctly and if all documents needed to defend the adverse action are part of the case file. The Center Director's designee is responsible for ensuring that further appeal by the applicant/participant through a Fair Hearing request is properly controlled and that appropriate follow-up action is taken in all phases of the Fair Hearing process.

Evidence Packets
for NCA Food Stamp
Centers

All evidence packets must include the returned envelope, address verification, notices sent in English and any other Local Law 73 Language, as well as any other pertinent information to support the Agency's action.

REFERENCES

[02 ADM-6](#) Change in the Food Stamp Vehicle Resource Policy
[02 ADM-7](#) Food Stamp Program Reauthorization Changes
[07-ADM 09](#) Categorical Eligibility for Food Stamps
[09-ADM-06](#)
[GIS 12 TA/DC001](#)
 107 P. L. 171
[Social Services Law 131-n](#)
[18 NYCRR 387.9\(b\)\(1\) and \(3\)](#)
[Food Stamp Source Book](#) Section 17

RELATED ITEM

PD #12-05-ELI Cash Assistance Resource Policy

ATTACHMENTS

W-204X

CA and FS Resource Limits/Exemptions Desk
Guide (Rev. 03/05/12)

LDSS-4943

Food Stamp Benefits Categorical Eligibility
Desk-Aid (12/11)

CA and FS Resource Limits/Exemptions Desk Guide

The following rules apply to all applicants and participants. However, for FS purposes, households that are categorically eligible for FS are not subject to the resource limitation requirements.

Resources	Cash Assistance (CA)	Food Stamps (FS)
Licensed Vehicles	<p>The household may own one vehicle with a Fair Market Value (FMV) *of \$4,650.</p> <p>First or only vehicle:</p> <ul style="list-style-type: none"> • Use the <u>FMV</u> rule as follows: <ul style="list-style-type: none"> ■ Apply the Kelley Blue Book's trade-in "good condition" value of the vehicle. ■ Determine the purpose of the vehicle: <ul style="list-style-type: none"> – If used for <u>general purposes</u> – subtract a FMV exemption of \$4,650. – If used for <u>travel to and from work</u> or to <u>seek or maintain employment</u> – subtract a FMV exemption of \$9,300. ■ Compare the excess FMV to the CA resource limit of \$2,000/\$3,000, as appropriate. ■ In those instances in which the applicant/participant can prove that the vehicle is actually worth less than the value quoted in the Kelley Blue Book, such proof must be accepted. <p>Second or subsequent vehicle(s):</p> <ul style="list-style-type: none"> • Apply the <u>equity value</u> rule as follows: <ul style="list-style-type: none"> ■ Use the Kelley Blue Book's trade-in "good condition" value of the vehicle. ■ Subtract any encumbrances. Encumbrances are liens or amounts still owed on the vehicle. ■ Combine the excess FMV of the first vehicle with the equity value of the second vehicle. ■ Compare the total value of all vehicles to the CA resource limit of \$2,000/\$3,000, as appropriate. 	<p>One licensed vehicle per adult household member and one licensed vehicle for each child under 18 years of age who uses the vehicle for school, work, training, or to look for work, is excluded from the resource test.</p> <p>Additional Licensed Vehicles are excluded when:</p> <ul style="list-style-type: none"> • Used to produce earned income (including situations in which the use of one's personally owned vehicle is required for employment such as that of a courier, delivery person, etc.); • Annually producing income consistent with its FMV, even if used only on a seasonal basis; • Necessary for long-distance travel, other than daily commuting, when it is essential to the employment of a household member, an ineligible alien or a disqualified person regardless of purpose of transportation; • Used as the household's home; • Necessary to transport a physically disabled household member, ineligible alien or disqualified person; • Leased by a household member; • The title is held by a nonmember AND no member of the household is permitted to access the cash value of the vehicle; • A household depends on it to carry fuel for heating or water for home use; • The sale of the vehicle will produce a return of \$1,500 or less. <p>NONEXCLUDED: Licensed vehicles that do not meet these criteria must have the full equity value applied to the household's applicable liquid resource limit. Unlicensed vehicles and recreational vehicles must have their full equity value applied to the household's resource limit.</p> <p>NOTE: Resources of categorically eligible individuals continue to be exempt from the Food Stamp resource test.</p>
Liquid Cash Limits (includes bank accounts, saving bonds, and cash on hand)	<ul style="list-style-type: none"> • \$3,000 for a household in which at least one person is elderly (60 years of age or older). • \$2,000 for all other households. 	<ul style="list-style-type: none"> • \$3,250 for a household in which at least one person is elderly (60 years of age or older) or disabled. • \$2,000 for households without any aged/disabled members that still are subject to a resource test.
Liquid Cash Exemptions*	<ul style="list-style-type: none"> • Federal assistance provided under Public Law (P.L.) 93-288 Section 312(d) (Disaster Relief Act of 1974), as amended by P.L. 100-707. • Comparable disaster assistance payments provided by state or local governments, or by disaster relief organizations, such as the American Red Cross or the Salvation Army. • Federal Emergency Management Agency (FEMA) payments made when there is a disaster or emergency. • One separate bank account per household member that is created for the sole purpose of paying tuition at a two-year accredited, post secondary institution. 	<ul style="list-style-type: none"> • Federal assistance provided under P.L. 93-288 Section 312(d) (Disaster Relief Act of 1974), as amended by P.L. 100-707. • Comparable disaster assistance payments provided by state or local governments, or by disaster relief organizations, such as the American Red Cross or the Salvation Army. • Federal Emergency Management Agency (FEMA) payments made when there is a disaster or emergency. <p>See Section 17(C) of the Food Stamp Source Book for a full list of excluded resources.</p>

*See Chapter 19 of the Temporary Assistance Source Book for a full list of excluded resources.

Note: Resources of categorically eligible individuals continue to be exempt from the Food Stamp resource test. Households with a member that is sanctioned or disqualified due to an Intentional Program Violation (IPV) are not categorically eligible for FS and must pass the resource test.

CA and FS Resource Limits/Exemptions Desk Guide (continued)

The following rules apply to all applicants and participants. However, for FS purposes, households that are categorically eligible for FS are not subject to the resource limitation requirements.

Resources	Cash Assistance (CA)	Food Stamps (FS)
Lump Sum Payment Exemptions	<p>The lump sum period of ineligibility can be shortened if:</p> <ul style="list-style-type: none"> • the lump sum is used to repay the Agency for past assistance; • the lump sum payment is set aside as a resource if the amount set aside; when combined with existing resources, does not exceed the CA resource limit. (maximum = \$2,000 for an individual or a household, or \$3,000 for an individual or a household with a member 60 years of age or older); • the lump sum is used to pay for medical expenses that would have been covered by Medicaid during the time of CA ineligibility; • the lump sum becomes unavailable for reasons beyond the household's control; • the lump sum is used to meet the household's increased standard of need. <p style="text-align: center;">OR</p> <p>The lump sum is used within 90 days for one or more of the following:</p> <ul style="list-style-type: none"> • The purchase of an automobile that is exempt from resource limit because it is needed to seek or retain employment or travel to and from work (maximum \$9,300); • A resource-exempt bank account that is established to purchase a first or replacement automobile that will be used to seek or retain employment (maximum \$4,650); • A college tuition account that is used to pay tuition at a two-year post-secondary education institution (maximum = \$1,400); (participants only) • A resource-exempt burial plot; • A resource-exempt bona fide funeral agreement (maximum = \$1,500). 	<p>Nonrecurring lump sum payments are <u>counted as a resource</u> in the month the payment was received.</p>
Earned Income Tax Credit (EITC)	<p>Exempt as income or a resource, whether received as a refund or as an advance payment as long as the EITC amount remains identifiable.</p>	<p>Advance payments of Federal EITC are excluded in the month received. Federal and state EITC paid in the form of a lump sum at the end of the year are also excluded as long as they remain identifiable.</p>
Household Goods and Personal Effects	<p>Items essential to day-to-day living, such as clothes, furniture, and other similarly essential items of limited value.</p>	
Home	<p>A home that is the primary residence of the family.</p>	
Burial Plot	<p>One burial plot or space per household member.</p>	
Funeral Agreement	<p>One funeral per household member (maximum equity value of \$1,500).</p>	
Real Property (not primary residence)	<p>Exempt for six (6) months while the household is making a good faith effort to sell if the individual agrees, in writing, to repay CA received.</p>	<p>Real property remains excluded as a resource when the household is making a good faith effort to sell the property at a reasonable price and has not yet sold.</p>

Note: Resources of categorically eligible individuals continue to be exempt from the Food Stamp resource test. Households with a member that is sanctioned or disqualified due to an Intentional Program Violation (IPV) are not categorically eligible for FS and must pass the resource test.

Food Stamp Benefits

Categorical Eligibility Desk-Aid

FS Household: All TA/SSI Members

FS Household is <u>not</u> subject to: <ul style="list-style-type: none"> • 130% GIT • 100% NIT • Resource Test 	ABEL Categorical Eligibility Indicator (CE): Y: Categorically Eligible – All TA/SSI
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FS Households: Expanded Categorical Eligibility

(This does not include FS households with Dependent Case costs)

FS Household must pass only: <ul style="list-style-type: none"> • 130% Gross Income Test (GIT) (<i>effective 10/1/09</i>) <table border="1" style="margin-left: 20px;"> <thead> <tr> <th style="text-align: center;">Household Size</th> <th style="text-align: center;">Maximum Gross Monthly Income 130% of Poverty</th> </tr> </thead> <tbody> <tr><td style="text-align: center;">1</td><td style="text-align: center;">\$1,180</td></tr> <tr><td style="text-align: center;">2</td><td style="text-align: center;">\$1,594</td></tr> <tr><td style="text-align: center;">3</td><td style="text-align: center;">\$2,008</td></tr> <tr><td style="text-align: center;">4</td><td style="text-align: center;">\$2,422</td></tr> <tr><td style="text-align: center;">5</td><td style="text-align: center;">\$2,836</td></tr> <tr><td style="text-align: center;">6</td><td style="text-align: center;">\$3,249</td></tr> <tr><td style="text-align: center;">7</td><td style="text-align: center;">\$3,663</td></tr> <tr><td style="text-align: center;">8</td><td style="text-align: center;">\$4,077</td></tr> <tr> <td style="text-align: center;">Each Add'l Member</td> <td style="text-align: center;">+ \$414</td> </tr> </tbody> </table> <p>Exception:</p> <ul style="list-style-type: none"> • Household with a sanctioned or disqualified individual is not Categorically Eligible 	Household Size	Maximum Gross Monthly Income 130% of Poverty	1	\$1,180	2	\$1,594	3	\$2,008	4	\$2,422	5	\$2,836	6	\$3,249	7	\$3,663	8	\$4,077	Each Add'l Member	+ \$414	ABEL Categorical Eligibility Indicator (CE): N: Categorically Eligible – Not all TA/SSI
Household Size	Maximum Gross Monthly Income 130% of Poverty																				
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FS Household with Sanctioned Member

FS Household must pass: <ul style="list-style-type: none"> • 130% Gross Income Test (GIT) • 100% Net Income Test (NIT); and • Resource Test (\$2,000) <p>Exception: FS household contains an aged or disabled individual <u>must</u> pass:</p> <ul style="list-style-type: none"> • 100% NIT; and • Resource Test (\$3,250) 	ABEL Categorical Eligibility Indicator (CE): S: Sanctioned for FS
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