



# OFFICE OF POLICY, PROCEDURES, AND TRAINING

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## POLICY DIRECTIVE #17-22-ELI

*(This Policy Directive Replaces PD #14-22-ELI)*

### SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) RESOURCE POLICY

<p><b>Date:</b> October 2, 2017</p>	<p><b>Subtopic(s):</b> Resources, Categorical Eligibility</p>
<p><b>AUDIENCE</b></p>	<p>The instructions in this policy directive are for staff in Job Centers and Non Cash Assistance (NCA) Supplemental Nutrition Assistance Program (SNAP) Centers. This policy directive also serves as an addendum to the resource procedures in Chapter 17 of the Supplemental Nutrition Assistance Program (SNAP) Source Book. This policy directive is informational for all other staff.</p>
<p><b>REVISIONS TO THE PRIOR DIRECTIVE</b></p>	<p>This policy directive has been revised to inform staff of the following:</p> <ul style="list-style-type: none"> <li>• Effective October 1, 2017, the SNAP resource limit increased from \$3,250 to \$3,500 for households that contain at least one person who is aged (60 years of age or older) or disabled;</li> <li>• The CA and SNAP Resource Limits/Exemptions Desk Guide (<b>W-204X</b>) was updated with the increased resource limit.</li> <li>• Introduce the New York Achieving a Better Life Experience (NY ABLE) Program.</li> </ul>
<p><b>POLICY</b></p> <p>See PB #17-11-ELI for SNAP Categorical Eligibility.</p>	<p>Households that are categorically eligible to receive SNAP benefits are not subject to the SNAP resource limits. Within the New York State expansion of categorical eligibility (effective January 1, 2008), resources are not considered when determining the eligibility of almost all income-eligible SNAP households.</p> <p>The only income-eligible households that are subject to SNAP resource limits are households that contain individuals who are disqualified from receiving SNAP benefits due to an intentional program violation (IPV), or sanction, and households that contain an aged or a disabled individual and have gross income in excess of 200% of the federal poverty limit.</p>

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 Fax* or fax to: (917) 639-0298

**Note:** Households that contain an aged or disabled individual that have gross income in excess of 200% of the federal poverty limit can still be eligible for SNAP benefits if the household's net income does not exceed 100% of the federal poverty limit and the household's countable resources do not exceed current resource limit.

For the limited number of income-eligible households that are subject to the SNAP resource limits, all resources (if any) must be evaluated to determine if they can be counted toward the SNAP resource limit.

Revised resource limit for aged/disabled individuals.

Effective October 1, 2017, the SNAP resource limit for households that contain an aged or disabled individual increases from \$3,250 to \$3,500.

The SNAP resource limit for households that do not contain an aged or disabled individual remains \$2,250.

#### Property Exclusions

The home and surrounding property that is owned by a household member is an excluded resource. Only one home may be excluded per household.

#### Licensed Vehicle Exclusions

The SNAP resource rules allow the exclusion of one licensed vehicle per adult member of the household and one licensed vehicle for each child under 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 situation 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 non-citizen 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 non-citizen or 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; or
- likely to produce a return of \$1,500 or less because the household's interest is minimal or the cost of selling it is relatively great (inaccessible provision).

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.

### Excluded Resources

The following is a partial list of additional excluded resources:

New NY ABLE account  
exclusion

- New York Achieving a Better Life (NY ABLE) Individual savings accounts – accounts which can be established by people with intellectual, developmental or other disabilities for the purpose of saving private funds to maintain their health, independence and quality of life. Funds deposited and interest earned in ABLE accounts are exempt as income and resources for SNAP applicants and recipients;
- 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;
- The resources of household members who receive Supplemental Security Income (SSI) or Cash Assistance;
- 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;
- Earned Income Tax Credit (EITC) Refunds – as long as they are identified as such;
- 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.

- Child 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); and
- Funds and agreements for burial services and headstones not to exceed \$1,500 per household member.

For more excluded resources, see the SNAP Source Book, Sec. 17.

**REQUIRED ACTION**

During the application/recertification interview or when processing a separate SNAP determination, the JOS/Worker must determine if the household is categorically eligible for SNAP benefits. If the household is categorically eligible, do not request verification of reported resources or apply the resource limit when determining SNAP benefit eligibility. If the household is not categorically eligible for SNAP benefits, the JOS/Worker must identify the resource as either exempt or non-exempt in order to determine eligibility.

Revised **W-204X**

Staff should use the CA and SNAP Resource Limits/Exemptions Desk Guide (**W-204X**) for help in determining resource limits and exemptions. The **W-204X** has been revised to update the SNAP resource limit to \$3,500 for households that contain an aged or disabled individual and to include the NY ABLE savings account(s) as an excluded resource for both SNAP and Cash Assistance (CA).

Licensed Vehicles

When an applicant/participant presents verification that he/she has a motor vehicle, determine if the household is subject to the resource limit and if so, determine if the licensed vehicle meets the criteria for exclusion:

Refer to PD #03-42-OPE for information on accessing the Kelley Blue Book online

- 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;
- Refer to the Kelley Blue Book online for the current wholesale or trade-in good condition value of the vehicle to determine the fair market value (FMV) 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.

**Note:** Leased vehicles are not considered a resource as the leaseholder has no equity in the vehicle.

The following is a list of SNAP denial and closing codes for use when a household that is subject to the SNAP resource limit has non-excluded resources that exceed the applicable limit.

<u>SNAP Denial Codes</u>	<u>Reason</u>
<b>U40</b>	Excess resources
<b>U41</b>	Transfer of Excess Resources
<b>I46</b>	Excess Resources – Elderly/Disabled person no longer in the household and the household now subject to a lower limit
<b>U41</b>	Transfer of Excess Resources
<b>U45</b>	Increased Resources (recert closing)
<b>U97</b>	Opened in Error – Excess Resources

**PROGRAM IMPLICATIONS**

Paperless Office System (POS) Implications

The **Resources** window records various types of resources the household member(s) may possess. The JOS/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 the English text).

**LIMITED ENGLISH PROFICIENCY (LEP) AND DEAF/HARD-OF-HEARING IMPLICATIONS**

For Limited English Proficient (LEP) and Deaf/Hard-of-Hearing applicants/participants, make sure to obtain appropriate interpreter services in accordance with PD #16-14-OPE and PD #17-19-OPE.

**FAIR HEARING IMPLICATIONS**

Avoidance/Resolution

Applicants and Participants whose cases are denied/closed for excess resources are entitled to request a Fair Hearing.

Remember to give the individual an opportunity for a conference and/or resolution on this issue. Please evaluate each case according to the resource changes listed in this directive.

## Conferences at Job Centers

An applicant/participant can request and receive a conference with a Fair Hearing and Conference (FH&C) AJOS/Supervisor I at any time. If an applicant/participant comes to the Job Center requesting a conference, the Receptionist must alert FH&C that the individual is waiting to be seen. In Model Offices, the Receptionist at Main Reception will issue an FH&C ticket to route the applicant/participant to FH&C and does not need to verbally alert the FH&C Unit staff.

The FH&C AJOS I/Supervisor I will listen to and evaluate any material presented by the applicant/participant, review the case file and discuss the issue(s) with the JOS/Worker responsible for the case and/or the JOS/Worker's Supervisor. The AJOS I/Supervisor I will explain the reason for the Agency's action(s) to the applicant/participant.

If the determination is that the applicant/participant shown that the outstanding adverse action related to the excess resource needs to be withdrawn, the FH&C AJOS I/Supervisor I will Settle in Conference (SIC), enter detailed case notes in the New York City Work, Accountability and You (NYCWAY) system and forward all verifying documentation submitted by the applicant/participant to the appropriate JOS/Worker for corrective action to be taken.

In addition, if the adverse case action still show on the "Pending" (08) screen in WMS, the AJOS I/Supervisor I must prepare and submit a Fair Hearing/Case Update Data Entry Form – WMS (LDSS-3573), change the 02 to 01 if the case has been granted Aid to Continue (ATC), or prepare and submit a CA Recoupment Data Entry Form – WMS (LDSS-3573) to delete a recoupment. The AJOS I/Supervisor I must complete a Conference Report (M-186a).

If the determination is that the Agency' actions should stand, then the AJOS I/Supervisor I will explain to the applicant/participant why he/she cannot settle the case. If the explanation is accepted by the applicant/participant, no further action is necessary. The AJOS I / Supervisor I must complete form M-186a.

Should the applicant/participant elect to continue his/her appeal by requesting a Fair Hearing or proceeding to a Fair Hearing already requested, the FH&C AJOS I /Supervisor I is responsible for ensuring that further appeal is properly controlled and that all required actions are taken in all phases of the Fair Hearing process.

## Conferences at SNAP Centers

If the applicant/participant comes to the SNAP Center requesting a conference, the Receptionist must alert the SNAP Center Director's Designee that the participant is to be seen. If the participant contacts the Worker directly, advise the participant to call the Designee.

The Designee will listen to and evaluate any material presented by the applicant/participant, and will explain the reason for the Agency's action to the applicant/participant. If the applicant/participant has shown that the Agency's action needs to be withdrawn, the Designee will SIC the adverse action. If the determination is that the Agency's action is correct, the Designee will explain the reason for the determination to the applicant/participant. If the explanation is accepted, no further action is necessary.

Should the applicant/participant elect to continue his/her appeal by requesting a Fair Hearing or proceeding to a Fair Hearing already requested the Designee is responsible for ensuring that further appeal is properly controlled and that appropriate follow-up action is taken in all phases of the Fair Hearing process.

**Evidence Packets** All complete and relevant Evidence Packets must include verification of the applicant's/participant's resources. This includes a copy of the relevant bank statement, bankbook, insurance policy, property deed, or vehicle registration, the decision made by the Resource Consultant, and the appropriate WMS printouts.

**REFERENCES**

09 ADM 06  
 07 ADM 09  
 02 ADM 07  
 02 ADM 076  
 GIS 17 TA/DC033  
 GIS 17 TA/DC032  
 GIS 14 TA/DC038  
 GIS 12 TA/DC001  
 18 NYCRR 387.9(b)(1) and (3)  
 Social Services Law 131-n  
 SNAP Source Book, Chapter 17

**RELATED ITEMS**

PD #17-07-ELI	Cash Assistance Resource Policy
PB #17-11-ELI	SNAP Categorical Eligibility

**ATTACHMENT**

 Please use Print on Demand to obtain copies of forms.

**W-204X** CA and SNAP Resource Limits/Exemptions Desk Guide (Rev. 10/02/17)

## CA and SNAP Resource Limits/Exemptions Desk Guide

The following rules apply to all applicants and participants. However, for SNAP purposes, households that are categorically eligible for SNAP benefits are not subject to resource limits.

Resources	Cash Assistance (CA)	Supplemental Nutrition Assistance Program (SNAP)
<b>Licensed Vehicles</b>	<p>The household may own one vehicle with a Fair Market Value (FMV) of \$11,000.</p> <p>First or only vehicle:</p> <ul style="list-style-type: none"> <li>• Use the <u>FMV</u> rule as follows:                             <ul style="list-style-type: none"> <li>■ Apply the Kelley Blue Book's trade-in "good condition" value of the vehicle.</li> <li>■ Compare the excess FMV to the CA resource limit of \$2,000/\$3,000, as appropriate.</li> <li>■ 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.</li> </ul> </li> </ul> <p>Second or subsequent vehicle(s):</p> <ul style="list-style-type: none"> <li>• Apply the <u>equity value</u> rule as follows:                             <ul style="list-style-type: none"> <li>■ Use the Kelley Blue Book's trade-in "good condition" value of the vehicle.</li> <li>■ Subtract any encumbrances. Encumbrances are liens or amounts still owed on the vehicle.</li> <li>■ Combine the excess FMV of the first vehicle with the equity value of the second vehicle.</li> <li>■ Compare the total value of all vehicles to the CA resource limit of \$2,000/\$3,000, as appropriate.</li> </ul> </li> </ul>	<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"> <li>• 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.);</li> <li>• Annually producing income consistent with its FMV, even if used only on a seasonal basis;</li> <li>• 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;</li> <li>• Used as the household's home;</li> <li>• Necessary to transport a physically disabled household member, ineligible alien or disqualified person;</li> <li>• Leased by a household member;</li> <li>• The title is held by a nonmember AND no member of the household is permitted to access the cash value of the vehicle;</li> <li>• A household depends on it to carry fuel for heating or water for home use;</li> <li>• The sale of the vehicle will produce a return of \$1,500 or less.</li> </ul> <p><b>NONEXCLUDED:</b> 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><b>NOTE:</b> Resources of household members who receive SSI or CA are exempt from the SNAP resource test.</p>
<b>Liquid Cash Limits (includes bank accounts, saving bonds, and cash on hand)</b>	<ul style="list-style-type: none"> <li>• \$3,000 for a household in which at least one person is elderly (60 years of age or older).</li> <li>• \$2,000 for all other households.</li> </ul>	<ul style="list-style-type: none"> <li>• \$3,500 for a household in which at least one person is <u>elderly</u> (60 years of age or older) or <u>disabled</u> that still are subject to a resource test.</li> <li>• \$2,250 for households <b>without</b> any aged/disabled members that still are subject to a resource test.</li> </ul>
<b>Liquid Cash Exemptions</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• Federal Emergency Management Agency (FEMA) payments made when there is a disaster or emergency.</li> <li>• One separate bank account per household member that is created for the sole purpose of paying tuition at a two-year or four-year accredited, post secondary institution.</li> <li>• New York Achieving a Better Life Experience (NY ABLE) Savings Account(s) (deposits and interest earned) are exempt as income and resources</li> </ul>	<ul style="list-style-type: none"> <li>• Federal assistance provided under P.L. 93-288 Section 312(d) (Disaster Relief Act of 1974), as amended by P.L. 100-707.</li> <li>• 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.</li> <li>• Federal Emergency Management Agency (FEMA) payments made when there is a disaster or emergency.</li> <li>• New York Achieving a Better Life Experience (NY ABLE) Savings Account(s) (deposits and interest earned) are exempt as income and resources</li> </ul>

**CA:** See Chapter 19 of the Temporary Assistance Source Book for a full list of CA excluded resources. **SNAP:** See Section 17(C) of the SNAP Source Book for a full list of SNAP excluded resources.  
**Note:** Resources of household members who receive Supplemental Security Income (SSI) or CA are exempt from the SNAP resource test. Households with a member that is sanctioned or disqualified due to an Intentional Program Violation (IPV) are not categorically eligible for SNAP benefits and must pass the resource test.

## CA and SNAP Resource Limits/Exemptions Desk Guide (continued)

The following rules apply to all applicants and participants. However, for SNAP purposes, households that are categorically eligible for SNAP benefits are not subject to resource limits.

Resources	Cash Assistance (CA)	Supplemental Nutrition Assistance Program (SNAP)
<b>Lump Sum Payment Exemptions</b>	<p>The lump sum period of ineligibility can be shortened if:</p> <ul style="list-style-type: none"> <li>• the lump sum is used to repay the Agency for past assistance;</li> <li>• 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);</li> <li>• the lump sum is used to pay for medical expenses that would have been covered by Medicaid during the time of CA ineligibility;</li> <li>• the lump sum becomes unavailable for reasons beyond the household's control;</li> <li>• the lump sum is used to meet the household's increased standard of need.</li> </ul> <p style="text-align: center;"><b>OR</b></p> <p>The lump sum is used within 90 days for one or more of the following:</p> <ul style="list-style-type: none"> <li>• 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 \$11,000);</li> <li>• 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);</li> <li>• A college tuition account that is used to pay tuition at a two-year or four-year post secondary education institution (maximum = \$1,400); (participants only)</li> <li>• A resource-exempt burial plot;</li> <li>• A resource-exempt bona fide funeral agreement (maximum = \$1,500).</li> </ul>	<p>Nonrecurring lump sum payments are <u>counted as a resource</u> in the month the payment was received.</p>
<b>Earned Income Tax Credit (EITC)</b>	<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>
<b>Household Goods and Personal Effects</b>	<p>Items essential to day-to-day living, such as clothes, furniture, and other similarly essential items of limited value.</p>	
<b>Home</b>	<p>A home that is the primary residence of the family.</p>	
<b>Burial Plot</b>	<p>One burial plot or space per household member.</p>	
<b>Funeral Agreement</b>	<p>One funeral per household member (maximum equity value of \$1,500).</p>	
<b>Real Property (not primary residence)</b>	<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 household members who receive SSI or CA are exempt from the SNAP resource test. Households with a member that is sanctioned or disqualified due to an Intentional Program Violation (IPV) are not categorically eligible for SNAP benefits and must pass the SNAP resource test.