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Governor

**NEW YORK STATE**  
**OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE**  
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ALBANY, NY 12243-0001

**Robert Doar**  
Commissioner

## Administrative Directive

### Section 1

<b>Transmittal:</b>	04-ADM-02
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	OTDA
<b>Date:</b>	April 2, 2004
<b>Subject:</b>	Changes in Food Stamp Program Change Reporting Rules
<b>Suggested Distribution:</b>	Temporary Assistance Directors, Food Stamp Directors, CAP Coordinators, TOP Coordinators, Staff Development Coordinators
<b>Contact Person(s):</b>	Food Stamp Policy and Forms Questions: Eastern Team at 1-800-343-8859, extension 3-1469; Questions Regarding TA waivers - Central Team at extension 4-9344
<b>Attachments:</b>	Attachment A: "Required Food Stamp Program Language for TA Eligibility Mailer" Attachment B: "Food Stamp Change Report Form Revisions" LDSS-3151: "Food Stamp Change Report Form" (Rev. 2/04) (English and Spanish) "Important Information About New Food Stamp Reporting Rules" (Eng and Span) Blank Date / Manual Notification Version of "Important Information About New Food Stamp Reporting Rules" (Eng and Span)
<b>Attachment Available On – Line:</b>	<input checked="" type="checkbox"/>

### Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
02 ADM-7 01 ADM-9 03 INF-10 03 OMM/ ADM-2		387.17(e)	7CFR 273.12(a)		

## Section 2

### I. Purpose

This is to advise districts of three changes related to Food Stamp (FS) program change reporting rules:

- A. A recent federal clarification requires FS households in which all adults are elderly or disabled without earnings to be subject to ten-day change reporting rather than six-month reporting rules for FS.
- B. A recently amended federal FS rule raises the threshold at which changes in unearned monthly income from a public source must be reported. Households must now report these changes if the amount of the change is more than \$50 per month. The time frame in which the household must report these changes in monthly income depends on what reporting rules the household is under, either within ten days of occurrence or within six-months. The change reporting thresholds remain at \$100 per month for earned income and unearned income from private sources.
- C. Based on federal clarification, all FS households that are subject to six-month reporting rules and are certified for seven full months or longer, including those with only unearned income, must return a periodic report in the sixth month of their certification period, even if they have no changes to report.

### II. Background

**A. Elderly/Disabled Households:** FS six-month reporting rules offer simplified reporting and stable benefit amounts, while reducing districts' change processing workload. The FS six-month reporting rules have applied to earned income households since 2001, and were expanded to include most FS households in October 2002. New York State's system of passive reporting for FS households without earned income required them to report at the six-month contact point in their certification period, only if they had experienced a reportable change. Federal authorities, however, recently disallowed passive reporting of "no changes" and also disallowed requiring six-month reports from households in which all adults are elderly or disabled and without earnings. Under this federal directive, households in which all adults are elderly or disabled and *without* earnings will be converted to FS ten-day change reporting rules, and must report certain changes in household circumstances within ten calendar days of becoming aware of the change. This change is effective May 1, 2004.

- Elderly/disabled households *with* earnings remain subject to six-month reporting for FS.
- Households participating in the New York State Nutrition Improvement Project (NYSNIP) remain exempt from all change reporting requirements except at the 24-month contact during their 48-month certification period.
- Transitional Benefit Alternative (TBA) FS households also remain exempt from all change reporting requirements during their five-month TBA period.
- Residents of group homes in receipt of Social Security Disability or Supplemental Security Income remain subject to ten-day change reporting.
- Districts also are reminded that elderly/disabled households without earnings that are certified for 24 months are sent a WMS-generated FS Change Report Form and cover letter in the 11<sup>th</sup> month of their certification period, which they must return in the 12<sup>th</sup> month only if they have reportable changes.

**B. Unearned Income Threshold:** FS households subject to ten-day change reporting must report certain changes, as prescribed in federal rules and waivers. Federal rules were recently amended to require ten-day change reporters to report changes of more than \$50 per month in monthly amounts of unearned income from a public source. This change from the former threshold of \$25 per month is effective March 1, 2004. Examples of public-source unearned income include Social Security benefits, Supplemental Security Income (SSI), Workers Compensation, and Unemployment Insurance Benefits (UIB). FS households are not required to report changes in the amount of their TA benefits because the local district authorizes the TA benefits.

The thresholds for ten-day change reporters to report changes in *earned* income and unearned income from *private* sources remain at \$100 per month. Federal regulators have denied OTDA's waiver request for a single threshold amount for all income sources.

### **C. Periodic Reporting**

1. **Non-TA/FS (and Upstate Mixed FS)** households that are subject to six-month reporting rules and are certified for seven full months or longer are sent a six-month contact form. The six-month contact form for FS households with earnings was the WMS-generated Periodic Report (LDSS-4310) and, for FS households without earnings, the six-month contact form was the WMS-generated Food Stamp Change Report Form (LDSS-3151) with a cover letter. Formerly, only those FS households with earned income or with reportable changes were required to complete and return their six-month contact form. WMS systems support will be programmed so that all Non-TA/FS (and Upstate Mixed FS) households that are subject to six-month reporting rules and are certified for seven full months or longer will be sent the Periodic Report (LDSS-4310) in the fifth month of their certification period. The Periodic Report includes the instruction that a household must return its completed Periodic Report by the tenth day of the sixth month of their certification period. This change is effective beginning with periodic reports that are sent in September 2004 and due in October 2004.
2. **TA/FS households** that are certified for less than seven full months are not required to complete periodic reports. In districts that currently have a waiver to OTDA regulations 350.2 and 351.21 allowing them to authorize TA certification periods for longer than six months, the TA mail-in recertification form is substituted for one of the mandatory TA semi-annual face-to-face recertifications. TA/FS households that are certified for seven full months or longer, subject to FS six-month reporting rules must return the TA mail-in recertification form as their FS six-month contact. The Periodic Report will no longer be sent to TA/FS households in the fifth month of their certification periods.

Districts with current waivers of the limit on TA certification periods must modify their approved mail-in TA recertification form by inserting the required language provided in Attachment A. The new FS text informs TA/FS households that they may lose eligibility for FS benefits if they fail to return the mail-in TA recertification form, and reinforces FS periodic reporting requirements and change reporting thresholds. Inclusion of the FS text eliminates the need to send a separate "Request for Contact" before sending a notice of intent to discontinue FS benefits to households that fail to return completed mail-in TA recertification forms. TA/FS households that are certified for seven full months or longer and are subject to FS six-

month reporting rules, but fail to return the mail-in TA recertification form must be sent timely notice of intent to discontinue TA and FS benefits.

Districts must send copies of their modified mail-in TA recertification forms to the following address by May 31, 2004:

NYS Office of Temporary and Disability Assistance  
Division of Temporary Assistance  
40 North Pearl Street, 11th Floor  
Albany, New York 12243

Attn: Greg Nolan

OR e-mail to: AV1830 @dfa.state.ny.us

If the modified form is not received by this date, the waiver previously authorized to the district will no longer be effective and normal OTDA regulations will apply.

### III. Program and Systems Implications

- A. Elderly/Disabled Households:** Temporary Assistance (TA)/FS and Non-TA/FS households that are identified in WMS as households in which all adults are elderly or disabled and without earnings will be sent a letter and LDSS-3151: "FS Change Report Form" (Rev. 2/04) to inform them that they are subject to FS ten-day change reporting. The letter and revised FS Change Report Form will be sent to these households the week of April 12-16, 2004. The letter also will inform the recipients that, if they have experienced any reportable changes since their last contact with the agency, they must report them to their local district by May 10, 2004. Samples of the letter and revised FS Change Report Form are included as attachments with this directive.

Local districts can anticipate that they will receive an additional volume of telephone calls and FS Change Report Forms from elderly and disabled FS recipients in response to this mailing.

Elderly/disabled FS households that will be notified of being converted to ten-day change reporting will be identified in WMS as described below.

**Upstate WMS:**

TA/FS and Non-TA/FS households with no earnings and one of the following:

- One-person household with "A" or "X" value in the Aged/Disabled Indicator field of the ABEL FS budget;
- Multi-person household with "A" value in the Aged/Disabled Indicator field of the ABEL FS budget; or
- Household with at least one adult but no adults aged 18 – 59 (all adults are 60 and over).

Upstate districts will be provided with a list of elderly/disabled FS households, via BICS, that are notified that they are now subject to ten-day change reporting.

### **NYC WMS:**

TA/FS and Non-TA/FS households with no earnings and each adult (18 or older) individual in active status for FS is at least one of the following:

- Age 60 or older; or
- In receipt of a source of income that meets the FS definition of disabled, or
- Has a FS Aged/Disabled Indicator equal to "X".

- B. Unearned Income Threshold:** The increased threshold at which ten-day change reporters must report changes in unearned income from public sources may reduce the number of reported changes that local districts must process.
- C. Periodic Reporting:** Districts will receive an increased number of completed Periodic Reports (LDSS-4310) from Non-TA/FS households that are subject to six-month reporting rules and are certified for seven full months or longer. The volume of Periodic Reports will increase because all Non-TA/FS households that are subject to six-month reporting rules and certified for seven full months or longer, including those with only unearned income, must return completed Periodic Reports by the tenth day of the sixth month of their certification periods, even if there are no changes to report.
- D. Medicaid Implications:** Reporting requirements for Medicaid have not changed. Medicaid A/Rs are required to report changes which effect eligibility within 10 days. The Medicaid renewal process remains unchanged; Medicaid can be authorized for up to twelve months prospectively. See 03 OMM/ADM-2 for a discussion concerning the requirements to report changes and renewal for Medicaid A/Rs.

## **IV. Required Action**

Districts must take the following actions to implement the revised FS change reporting policies:

- A.** Respond to inquiries from FS households concerning the changes.
- B.** At next client contact in Upstate districts, inform households in which all adults are elderly/disabled without earnings, if they were not included in the April 12-16, 2004 mailing described above, that they are now subject to FS ten-day change reporting rules, and provide a copy of the FS Change Report Form (Rev 2/04). Upstate multi-person elderly/disabled FS households that were not coded 'A' in the ABEL FS Aged/Disabled Indicator field, and have disabled adults between 18 and 59, will not be included in the April 12-16, 2004 mailing.
- C.** Upstate districts must, at next FS budget update, identify FS households in which all adults (members who are age 18 or older) are elderly or meet the FS definition of "disabled" and have no earned income, and enter the "A" value in the Aged/Disabled Indicator field of the ABEL FS budget. For multi-person households without the "A" value in the Aged/Disabled Indicator prior to the elderly/disabled mass notice laser letter, the social services district will provide a copy of the elderly/disabled mass notice laser letter at the next client contact, thus converting that household to ten-day reporting at that time. The attached PDF file Blank Date / Manual Notification Version of "Important Information About New Food Stamp Reporting Rules" (English and Spanish) should be printed locally and used for this purpose. The later, manual notice conversion of these cases will impact the procedures for determining claims (see section IV.F, below).
- D.** Process changes reported in FS Change Report forms and Periodic Reports returned by FS households. Upstate districts can track Periodic Reports via the WMS screens for

- "PA/FS & MA PERIODIC REPORTING" (selection #24 on the WMS Menu)/"WMMENU - PA/FS QUARTERLY CONTACT"/"PA/FS QUARTERLY CONTACT MENU". "QUARTERLY CONTACT DATAMAILER SENT" displays a listing of cases sent a Periodic Report. Districts that log in returns via the "QUARTERLY CONTACT UPDATE" function will see, in the "QUARTERLY CONTACT INQUIRY" function, "QUARTERLY CONTACT DATAMAILER SENT" lists with dates reports were returned and, in the "NO RESPONSE" function, lists of the cases without reports returned for taking adverse action for non return of the mailer. Districts that do **not** log in all properly completed Periodic Reports will **not** have valid lists of "NO RESPONSE"/incomplete Periodic Reports, from which to send the required discontinuance notices.
- E. Provide timely notice of intent to discontinue FS benefits, and a Follow-Up to the Periodic Report (CNS-generated or paper LDSS-4310A), to FS households that fail to comply with the requirement to return a completed Periodic Report. CNS codes for closing under these provisions are E50-E54. Timely notice of intent to discontinue FS benefits must also be sent to households failing to return the TA Six-Month Eligibility Questionnaire.
  - F. Upstate districts must retain their lists of elderly/disabled FS households notified of conversion to ten-day change reporting (the April 12-16, 2004 mailing described in section III.A, above). Upstate districts must document what reporting rules applied to these elderly/disabled adult households when evaluating information for possible claims. Districts must not establish claims for overpayment of FS benefits based on elderly/disabled FS households' failure to report changes within ten days for periods prior to the households receipt of notification (WMS-generated or manual) that they are subject to ten-day reporting rules.
  - G. All districts must evaluate any future discoveries of discrepant information for these elderly/disabled households relative to the date the household was converted to ten-day reporting.

## V. Forms Information

The revised 2/04 versions of the LDSS-3151: "Food Stamp Change Report Form" are attached. Attachment B describes the revisions made in the 2/04 versions of the LDSS-3151. Supplies of the 2/04 versions of the LDSS-3151 are expected to be delivered to the Upstate (Albany) and the HRA (New York City) warehouses in early June 2004. All existing copies of the old (6/03) versions of the LDSS-3151 must be destroyed upon receipt of the revised, 2/04 versions.

All Rest of State (ROS) and NYC local districts will automatically receive supplies of the 2/04 version. A Spanish version, LDSS-3151-SP will follow. When the Spanish version (LDSS-3151-SP) is printed, only NYC will automatically receive supplies. Other districts must order the LDSS-3151-SP using the procedure described below.

Future requests for printed copies of the 2/04 versions of LDSS-3151 or the LDSS-3151-SP, should be submitted on OTDA-876 (Rev.6/98): "Request For Forms or Publications" form, and should be sent to:

Office of Temporary and Disability Assistance  
Document Services  
P.O. Box 1990  
Albany, New York 12201

Questions concerning ordering forms should be directed to Document Services at 1-800-343-8859, ext. 4-9522.

## **VI. Effective Dates**

- A.** Most FS households in which all adults are elderly or disabled without earnings are subject to ten-day change reporting rules effective May 1, 2004. Some Upstate disabled adult cases will convert to ten-day reporting via manual notice at next client contact after May 1, 2004.
- B.** The change-reporting threshold for unearned public income is increased effective March 1, 2004.
- C.** The requirement for FS households with only unearned income that are subject to six-month reporting and are certified for seven full months or longer to return a Periodic Report in their sixth month is effective Statewide beginning with mailers that are sent in September 2004 and due in October 2004. Before October 31, 2004, districts must not discontinue any cases with only unearned income for failure to return the Periodic Report. Districts are reminded that households with earnings that are subject to six-month reporting and are certified for seven full months or longer already are required to return a sixth-month contact (Periodic Report for NTA FS and Upstate Mixed FS; TA Six-Month Eligibility Questionnaire for TA FS). In addition, districts must evaluate and take appropriate action on household information reported on returned Periodic Reports.

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### **Issued By**

**Name: Patricia A. Stevens**

**Title: Deputy Commissioner**

**Division/Office: Division of Temporary Assistance**

## Required Food Stamp Program Language for TA Eligibility Mailer

Local Districts which operate under waiver to OTDA regulations 350.2 and 351.21 allowing them authorize TA recertification periods for longer than six months and to substitute a TA mail-in recertification form for one of the mandatory TA semi-annual face-to-face recertifications **must** modify their approved mail-in recertification form by inserting the following text:

**“In order to determine if you can still get food stamps, you must complete this eligibility questionnaire and return it by \_\_\_\_\_ (*due date at least 10 days after mailing date*)**

**If you do not complete and return this eligibility questionnaire by the due date, your food stamp benefits will be reduced or stopped. We will send you another notice if this happens.**

**This decision is based on Regulation 18 NYCRR 387.17.**

### **List of Changes you must report for Food Stamps at this time:**

- Changes in any **source of income** for anyone in your household
- Changes in your household’s total **earned income** when it goes up or down by more than \$100 a month
- Changes in your household’s total **unearned income from a public source** such as Social Security Benefits or Unemployment Insurance Benefits when it goes up or down by more than \$50 a month
- Changes in your household’s total **unearned income from a private source** such as Child Support Payments or Private Disability Insurance when it goes up or down by more than \$100 a month
- Changes in the amount of court ordered **child support you pay** to a child outside of your food stamp household
- Changes in **who lives with you**
- **If you move**, your new address and your new rent or mortgage costs, heat costs and utility costs
- **A new or different car**, or other vehicle
- Increases in your household’s **cash, stocks, bonds, money in the bank** or savings institution if the total cash and savings of all household members now amounts to more than \$2000 for a household without an elderly or disabled household member or \$3000 for a household with an elderly or disabled household member.

You are not required to report changes in your medical expenses during our certification period. However, you may voluntarily report changes in your medical expenses for household members who are any of the following:

- 60 years or older
- disabled spouses or children of a deceased veteran
- getting Supplemental Security Income (SSI)
- getting Social Security Disability payment
- getting Veteran's disability benefits
- getting government disability retirement benefits
- getting Railroad Retirement disability benefits
- getting disability-based medical assistance

If you report and verify an increase in your medical expenses, you may be eligible for more Food Stamp benefits. Changes in medical expenses must be reported at your next recertification.”



## **“Food Stamp Change Report Form” (LDSS-3151) Revisions**

As a result of the recent changes to the Food Stamp program change reporting requirements, the **LDSS-3151: “Food Stamp Change Report Form”** has been revised. The following is an outline of those changes for the 2/04 revisions:

1. The revision date was changed, on every page, from 6/03 to 2/04.
2. The top of page 1 was reformatted to allow the local district’s address to more readily appear in the opening of a standard window envelope should the client be required to return the change report form.
3. This form was expanded from 5 pages to 6 pages in order to accommodate a new matrix on page 1.
4. A series of questions and rules (matrix) were developed for page 1. This matrix will aid the client in determining what type of change reporting rules they need to follow.
5. A new fifth bullet was added to the listing of changes on page 2 that you must report **at the six-month checkpoint**. The new bullet reads:
  - Changes in the amount of court ordered **child support you pay** to the child outside of your food stamp household
6. The following Transitional Benefit Alternative (TBA) change reporting rules were added to page 3 for clients that receive Transitional Food Stamp Benefits. The rules read as follows:

### **TBA CHANGE REPORTING for household in receipt of transitional benefits:**

- Transitional food stamp benefits can continue for up to five months after your Temporary Assistance case closes.
  - You are not required to report changes during the transition period. If you have changes that may increase your benefits you can contact your worker to file an early recertification application at any time during your transitional period to receive the increase. The increase cannot be done until a signed recertification application is filed, and the entire recertification process is completed.
  - You must recertify near the end of your transitional period to see if you can continue to receive food stamp benefits after your transitional period ends. We will send you a notice reminding you of this recertification requirement. If you do not recertify, we will not send you any other notice and must close your food stamp case.
7. The following New York State Nutrition Improvement Project (NYSNIP) change reporting rules were added to page 3 for clients that participate in NYSNIP. The new rules read as follows:

### **NYSNIP CHANGE REPORTING for participants in NYSNIP:**

- You will receive a contact letter 24 months after you begin participation in NYSNIP that you must complete and return.
- You are not required to report changes during your certification period other than the 24-month contact letter. You may voluntarily report increases in your medical expenses, rent or utility costs, or decreases in your income. If you report and verify these changes, you may be eligible for more food stamp benefits. You may also report your new address if you move, so that you can continue to receive any notices we send to you.

8. The following was added as the last sentence to the “Withdrawal Signature” section on page 3:

You may re-apply for food stamp benefits at any time after your withdrawal.

9. In the “Rent” and “Mortgage Payment” sections on page 4, the areas to record expense amounts for Heat and/or air conditioning; Utilities (electricity, cooking gas, etc.) and Telephone were shaded gray because the current Food Stamp Benefits policy regarding SUA no longer requires the recording of the specific expense amounts.

10. In the “Change In Savings” section, the language in the parenthesis was changed to read:

(more than \$3,000 if anyone in your household is 60 years old or older or has been determined to be disabled).

11. A new check box section was added to the bottom of page 5 that allows the person to check “NO CHANGES” if they have no changes to report. The new section reads:

**CHECK HERE IF YOU HAVE NO CHANGES TO REPORT ABOUT YOUR FOOD STAMP HOUSEHOLD**

13. In the “Change of Benefits” section on page 6, the last sentence was changed to read:

If you don’t agree with our decision, you have the right to a fair hearing to challenge our decision.