



**NEW YORK STATE  
OFFICE OF TEMPORARY AND DISABILITY  
ASSISTANCE**

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**David A. Paterson  
Governor**

**Informational Letter**

**Section 1**

<b>Transmittal:</b>	10-INF-14	
<b>To:</b>	Local District Commissioners	
<b>Issuing Division/Office :</b>	Center for Employment and Economic Supports	
<b>Date:</b>	July 29, 2010	
<b>Subject:</b>	Electronic Applications and Signatures	
<b>Suggested Distribution:</b>	Temporary Assistance Directors, Food Stamp Directors, HEAP Coordinators, Staff Development Coordinators, Fraud Directors	
<b>Contact Person(s):</b>	Temporary Assistance Policy - 1-800-343-8859, ext. 4-9344 Food Stamp Policy –1-800-343-8859, ext. 3-1469 HEAP Policy - 1-800-343-8859, ext. 3-0332 myBenefits/myWorkspace - 1-800-343-8859, ext. 3-7991 Program Integrity Policy – 1-800-343-8859, ext. 2-0125	
<b>Attachments:</b>	None	
<b>Attachment Available On – Line:</b>	<input type="checkbox"/>	

**Filing References**

<b>Previous ADMs/INFs</b>	<b>Releases Cancelled</b>	<b>Dept. Regs.</b>	<b>Soc. Serv. Law &amp; Other Legal Ref.</b>	<b>Manual Ref.</b>	<b>Misc. Ref.</b>
		9 NYCRR Part 540; 18 NYCRR 350.4 387.6(a) 393.3(a)	Article III of the New York State Technology Law		

## Section 2

### I. Purpose

This Informational Letter (INF) is issued to provide information about the use of electronic signatures in electronically-submitted applications for food stamp (FS) benefits and Home Energy Assistance Program (HEAP) benefits, and electronically-submitted recertifications for temporary assistance (TA) benefits.

### II. Background

New York State's Electronic Signatures and Records Act (ESRA) permits and promotes the acceptance of electronic signatures and records by both the public and private sectors in New York State, by providing that electronic signatures bearing certain attributes are the legal equivalent of signatures affixed by hand. In addition, the ESRA authorizes the use of electronic means to create and manage records and establishes that electronic records have the same legal force and effect as non-electronic records.

The availability of electronic applications increases households' access to the FS and HEAP programs, and assists local social services district (LSSD) workers with data entry of application registrations and eligibility determinations. In May 2008, the Office of Temporary and Disability Assistance (OTDA) launched the *myBenefits* website at <https://www.mybenefits.ny.gov/selfservice/>. The *myBenefits* site offers internet users the ability to self-screen their potential eligibility for many nutrition benefits, health insurance programs, tax credits, work supports and other programs. In addition, *myBenefits* allows households in participating districts to submit electronic applications for food stamp benefits either through the public internet site or, under agreements established with LSSDs, with the assistance of community-based organizations (CBOs). OTDA is working with LSSDs to implement public internet access to electronic applications for HEAP, electronic recertifications for FS and TA, and electronic change reporting.

### III. Program Implications

An electronic signature is defined, in the ESRA, as an "electronic sound, symbol, or process, attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the record." The *myBenefits* electronic application and future electronic recertification and change reporting processes prompt the applicant to carefully review all of the information entered, present the applicant with an attestation/affirmation statement, and require the applicant to establish a user ID and a password, which serves as their electronic signature. Upon successful transmission, the applicant is provided with a confirmation of the filing and an opportunity to print a summary of the application questions and answers. The action of providing an electronic signature is recorded in the electronic application, recertification or change report record, which is transmitted and stored in the myBenefits database as a secured and static record for seven years. For CBO-facilitated electronic applications and recertifications, the applicant/recipient enters the e-signature, and the myBenefits electronic record is tagged as a CBO-facilitated application or recertification. The myBenefits e-signature process produces the construct of an electronic signature under the ESRA and is, therefore, a legal signature which is legally valid in subsequent proceedings, such as eligibility determinations, fair hearings, fraud investigations and litigation.

Program-specific implications are described below.

**A. Food Stamp Program**

The myBenefits electronic application for FS benefits is a State-prescribed application form that meets the application/recertification filing requirements in 18 NYCRR 387.6(a). Upon implementation of myBenefits electronic applications, a local district must begin accepting the filing of myBenefits electronic food stamp applications that contain, at a minimum, the applicant’s name, address (if the household has one) and an electronic signature. The federal and State statutes and regulations governing food stamp application filing are applicable to electronic applications as well as paper applications that are filed in person, by mail or by fax.

In all instances, for both electronic and paper applications for FS benefits, the LSSD worker is required to conduct an eligibility interview and must verify an applicant’s identity, at a minimum, before expedited food stamp benefits can be authorized for an eligible household. All remaining eligibility requirements must be verified before regular/ongoing benefits can be authorized. Existing clearance procedures and other eligibility investigation and verification processes apply equally to applications submitted electronically and on paper.

**B. Home Energy Assistance Program**

The myBenefits electronic application for HEAP benefits will be a State-prescribed application form that meets the HEAP application filing requirements in 18 NYCRR 393.3(a), and will be available during each HEAP season.

**C. Temporary Assistance**

A completed myBenefits electronic recertification for TA benefits will be a State-prescribed application form that meets the TA recertification filing requirements in 18 NYCRR 350.4. In addition, OTDA has asked the Social Security Administration (SSA) for approval to use an electronic or digitized signature on the Interim Assistance Reimbursement (IAR) agreement. Until we receive approval from SSA for electronic or digitized signatures, districts must continue to obtain handwritten authorization from the TA applicant or recipient in order for SSA to withhold an individual’s initial or post-eligibility retroactive SSI payment and send the appropriate IAR amount the district. The IAR authorization, signature and SSA review requirements are met by requiring every TA applicant and recipient to hand-sign the “LDSS-4887: Mail-In Recert/Eligibility Questionnaire”, the “LDSS-2921: Statewide Common Application” or the “LDSS-3174: Statewide Recertification”.

**Issued By**

**Name:** Russell Sykes  
**Title:** Deputy Commissioner  
**Division/Office:** Center for Employment and Economic Supports