

The Federal Supplemental Nutrition Assistance Program (SNAP)

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Introduction

- FSP renamed SNAP in 2008 (in NY, still FSP)
- Administered by the Food and Nutrition Service (FNS) of USDA
- Federal law governs eligibility and benefit levels (7 USC § 2011 *et seq.*; 7 CFR Pt. 273)
- Supervised by the NY Office of Temporary and Disability Assistance (OTDA)
- Responsibility for day to day administration rests with the local departments of social services



Filing FS Application

- Right to file on initial contact
- Joint (TA, Medicaid, FSP, child care and services) or Simplified Application
- Application form to be provided same day
- Expedited screening on day application filed



Expedited Application Processing

- \$100 or less in cash or liquid resources and expected to receive less than \$150 in income
- Or gross income and liquid resources less than shelter cost plus utility expenses
- Migrant farm worker with \$100 or less in resources and income source terminated or expects no more than \$25 from a new source



Application Process Requirements

- Finger Imaging
- Face to Face Interview
- Submission of documents verifying eligibility
 - Identity
 - Household size and composition
 - SSN
 - Income
 - Residence
 - Citizenship or eligible immigration status



Applicant Civil Rights

- Not to be discriminated against
- Accommodation of Disabilities
- Equal Access for those with Limited English Proficiency (LEP)
- Processing of household's application even if person applying on behalf of household is ineligible immigrant (03 INF-14)



Application Timeframes

- Application interview (within 5 days for households eligible for expedited processing)
- Eligibility determination and issuance of benefits within 30 days
- Delays caused by local district – benefits provided back to date of application
- Delays caused by household – if documents submitted between 30 and 60 days after application, case opened as of month following application – after 60 days, new application



Action on Application

- Written notice of action taken
- Notice of right to fair hearing
- Application granted – issuance of EBT card
 - If public assistance and Medicaid granted, benefits will also be encoded on the card
 - After 12 months, if there has been no activity on the card, the benefits will be expunged.
 - Assignment of certification period – 6 months, 12 months, 24 months (NYSNIP 48 months)



Food Stamp Household

- Purchase and prepare meals together
- Mandatory household members:
 - Spouses
 - Children under 22 living with natural or adoptive parents
 - Children under 18 under parental control of person other than a parent
- Optional
 - Foster children
 - Boarders



Excluded From Household

- **Strikers; work sanctioned individuals (including "voluntary quit"); fleeing felon; probation violators & certain categories of non-citizens AND**
- **Students enrolled at least half time in higher education, UNLESS:**
 - Employed at least 20 hours a week or in work-study
 - Single parent responsible for child under 12
 - Caring for h'hold member 6 or under or incapacitated
 - Caring for child between 6 and 11 and no childcare
 - Complying with TANF or FSET work rules
 - Under 18 years of age or over 50
 - Physically or mentally unable to work



Non-citizen Eligibility

- **"Qualified alien" status: (i) humanitarian entrant: refugee, asylee, Cuban/Haitian entrant, Amerasian, granted withholding of deportation; T visa OR (ii) lawful permanent resident (LPR) OR (iii) battered immigrant spouse/child of USC.**
- **Humanitarian immigrants, children under 18, immigrant in receipt of disability based benefits, LPRs with 40 qualifying quarters and active duty service member or honorably discharged veteran (and dependents) have no 5 year bar.**
- **Non-disabled adults with qualified status are eligible after being in status for 5 years**



Financial Eligibility Requirements

- **Gross Income Limits**
 - 200% of FPL - household has elderly or disabled member or has dependent care costs
 - 130% of FPL – all other households
- **No resource limit (categorically eligible) unless:**
 - A member of the household is on sanction, in which case the limit is \$2000 (\$3000 if h'hold has elderly/disabled member)
 - Elderly/disabled household with income over 200% FPL (100% net income limit will also apply)



Whose Income Counts?

- The income of all household members except child under 18 attending HS or earning GED
- Pro-rated share of income of immigrant excluded because of status and of household member who fails to provide SSN
- Total income of sanctioned household member, fleeing felons and probation violators
- The income of an ineligible student does not count.



What Income Counts?

- Earned
 - Gross wages
 - Self-employment income (minus cost of doing business)
 - Income from boarder or lodger
- Unearned
 - Public assistance
 - SSI, SSD, retirement, survivor's benefits
 - Unemployment, worker's comp
 - Alimony and child support



What Does Not Count as Income?

- Educational loans, grants or scholarships for tuition and fees
- Reimbursements for other than normal living expenses (eg N & T allowance for HASA clients)
- HUD housing subsidies
- Vendor payments to 3d parties
- Legally obligated child support to non-h'hold members
- Income tax refunds
- Loans



Overview of FS Budgeting

- Household composition – who must be in, who may be in and who must be excluded
- Gross income limits
- Distinguish between earned and unearned income (earned income gets 20% deduction)
- Identify excluded members whose income may count
- Determine what deductions are available (to get credit, deductions must be verified)



Budgeting Exercises.....



One More Budgeting Exercise

- 4 person household: elderly immigrant parents who have just arrived in US as LPRs, USC daughter and her USC husband
- Only income in household is \$1760 monthly fellowship stipend of husband who is a graduate student
- Mother is blind, has numerous other health problems and is receiving Medicaid
- Rent is \$870 a month
- Pay for heat and utilities



Work requirements

- Participation in work and training activities required of all between the ages of 16 and 60
- Exemptions:
 - 16 and 17 year olds who are not head of households or who are in school or training at least half-time
 - Enrolled half time in higher education (subject to student rules)
 - Working 30 hours or more or earning 30 x min. wage
 - Recipient of TANF or unemployment insurance benefit
 - Persons physically or mentally unfit for work
 - Persons receiving disability benefits (SSI, SSD, etc.)
 - Caretaker of child under 6
 - Participant in alcohol or drug or alcohol treatment program



PA Work Rules v. FSP Rules

- More generous exemptions in FS Program
 - Drug and alcohol rehabilitation program
 - Dependent child under age of 6
- Difference in definition of "voluntary quit"
- Right to cure
- Right to termination of sanction if become exempt
- No applicant sanctions
- No denial of benefits to household for failure to comply by one household member



ABAWD Eligibility Rules

- ABAWDs (between 18 and 49 with no child) cannot receive FS for more than 3 months in 36 in which they are not assigned to WEP or working or participating in an employment program for 20 hours a week.
- State wide waiver made available to NY because of the state's high unemployment rate
- Federal recovery statute lifted ABAWD rules through 2010 with the proviso that if recipient fails to comply with employment requirements, ABAWD rules are re-imposed.
- HRA declined waiver – is thus obligated to provide WEP slot for every ABAWD who cannot find employment



Sanctions

- For first work rule violation, 2 months and until compliance
- For second violation, 4 months and until compliance
- For third violation, 6 months and until compliance
- Sanction can be lifted if incorrectly imposed OR if individual becomes exempt from work rules during sanction period
- Sanctions can be imposed for refusal to participate in employment program, refusing the offer of a job or voluntarily quitting a job or reducing work hours to below 30 hours a week (look-back period for applicants is within 30 days of application)
- Voluntary quit sanction is only FS applicant sanction



Reporting Requirements

- **Households with earned income – 6 month reporting**
 - No requirement to report any changes other than an increase in income bringing household above 130% FPL
 - Can report changes that increase benefits
- **Ten day change reporting: homeless; migrants; households with no income; elderly/disabled households with no earned income; certification periods of < 4 months**



Recertification

- Earned income households – usually every 6 months
- Most other households, every 12 months (automatic for those recertifying for public assistance)
- Households of all elderly and disabled with no earned income, every 24 months
- SSI "live alone" participants in NYS Nutrition Improvement Project (NYSNIP), every 48 months



Recertification Time Lines

- Recert app is due by 15th of last month of current cert period (but as long as it is filed before end of month, benefits will not be prorated)
- If application is within 30 days of end of cert period, benefits are prorated back to date recert application is filed
- Benefits are also prorated if verification is submitted more than 30 days after recert app
- If missing verification is submitted within 60 days of timely recert application, no new application is required



Transitional Benefits

- Households leaving TANF program automatically eligible for 5 months of continued benefits
- FS benefit will be frozen at the level it was at case closing EXCEPT that the TANF benefit is no longer counted as income
- No income cap and no requirement to report changes



Web Research Resources

- <http://www.otda.state.ny.us/main/laws.asp>
- <http://onlineresources.wnylc.net/welcome.asp?index=Welcome>
- <http://www.fns.usda.gov/fns/>
- <http://www.fns.usda.gov/snap/Default.htm>
- <http://www.fns.usda.gov/snap/government/Policy.htm>


