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## Administrative Directive

### Section 1

<b>Transmittal:</b>	02 ADM 6
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Temporary Assistance
<b>Date:</b>	August 8, 2002
<b>Subject:</b>	Change in the Food Stamp Vehicle Resource Policy
<b>Suggested Distribution:</b>	Food Stamp Directors Temporary Assistance Directors Staff Development Directors CAP Coordinators TOP Coordinators Directors of Services Medical Assistance Directors
<b>Contact Person(s):</b>	Food Stamp Policy- Eastern Regional Team at (800)-343-8859 ext. 3-1469
<b>Attachments:</b>	
<b>Attachment Available On – Line:</b>	<input type="checkbox"/>

### Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
00 ADM-5 01 ADM-15 98 OMM/INF-02	01 ADM-15 GIS TA/DC010	18 NYCRR 387.9	7CFR 273.8 PL 106-387 SSL 131N	FSSB XVI-D- All; XVI C-9 #24	GIS 01 TA/DC035 GIS 01 TA/DC018 GIS 99 TA/DC013 GIS 99 TA/DC015

### Section 2

#### I. Purpose

The purpose of this release is to advise local districts of a change in the vehicle resource exemption policy for applicants for and recipients of Food Stamp (FS) benefits. Effective August 19, 2002, New York State will completely exclude from the FS resource test, one licensed vehicle per adult household member and one licensed vehicle for each child under 18 who drives to school, work, training or to look for work.

## **II. Background**

01 ADM-15 previously advised local districts of a change in the FS vehicle resource policy. As outlined in the ADM, districts were to completely exclude from the FS resource test one licensed general-purpose vehicle. Additional vehicles were excluded based on the number of employed individuals in the household. The total number of vehicles excluded including the general-purpose vehicle, could not exceed the number of individuals who were employed or participating in employment related activities. Vehicles that were not subject to complete exclusion under NYS rules were to be evaluated for exclusion under federal FS exclusion rules. Any remaining vehicles that could not be excluded were to be evaluated based on their full equity value.

## **III. Program Implications**

Federal regulations allowed states to adopt vehicle allowance rules from any program that received TANF or TANF maintenance-of-effort (MOE) funds, including those programs that excluded vehicles completely. A requirement for a state to substitute another program's vehicle allowance rules for the federal FS vehicle allowance rules was that it result in less countable resources for households.

New York State has now expanded its FS vehicle allowance rules to completely exclude from the FS resource test one licensed vehicle per adult household member and one licensed vehicle for each child under 18 who drives to school, work, training or to look for work. The concept of one single general-purpose vehicle as well as the employment related restriction for additional vehicles has been discontinued.

Aside from specific exclusions allowed under federal rules (see section IV below), a licensed vehicle must be used primarily for household transportation in order to be excluded.

Unlicensed vehicles, as well as recreational vehicles, are to have their full equity value applied to the household's applicable resource limit.

Districts are reminded that the resources of categorically eligible individuals, those in receipt of SSI, FA, and SNA, are exempt from the FS resource test.

## **IV. Required Action**

Local districts must now completely exclude from the FS resource test one licensed vehicle per adult household member and also exclude one licensed vehicle for each child under 18 who drives to school, work, training or to look for work. Additional licensed vehicles must be evaluated under the existing federal FS vehicle exclusion criteria and are to be completely excluded if they are:

- ◆ 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.);
- ◆ annually producing 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 and, therefore, excluded as such;

- ◆ necessary to transport a physically disabled household member or physically disabled ineligible alien or physically disabled disqualified person whose resources are being considered available to the household regardless of the purpose of such transportation;
- ◆ any vehicle operated on those Indian reservations that do not require vehicles driven by tribal members to be licensed;
- ◆ any vehicle leased by a household member;
- ◆ any vehicle title which 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;
- ◆ any vehicle upon which a household depends 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;
- ◆ any vehicle whose sale is likely to produce a return of \$1500.00 or less because the household's interest in the vehicle is relatively slight or the cost of selling it is relatively great (inaccessible resource provision).

Additional licensed vehicles that do not meet the criteria for exclusion are to have their full equity value applied to the household's applicable resource limit.

## **V. Systems Implications**

There are no WMS implications.

## **VI. Additional Information**

### **Temporary Assistance Implications:**

Social Services Law 131-n sets the Temporary Assistance (TA) vehicle exemption amount for vehicles used to seek or retain employment, or to travel to and from work activities at \$9300.00 or at a higher amount as established by the district. A vehicle **not** used to seek or retain employment or to travel to and from work activities continues to be exempted from consideration if its fair market value is \$4650.00 or less. If a vehicle has a fair market value in excess of the \$4650.00 exemption, or the \$9300.00 exemption (or the higher locally established amount), that amount above the exempted value is counted and applied toward the household's TA liquid resource limit (\$2000.00/\$3000.00). A vehicle that does not qualify for an exemption must have its equity value determined, and that amount applied against the household's TA liquid resource limit. Each TA household must be allowed to claim one vehicle exemption if otherwise eligible. A TA household may receive either the \$4650.00 or the \$9300.00 (or the higher locally established amount) exemption, but not both. Leased vehicles do not count toward the household's TA liquid resource limit and do not qualify for a vehicle resource exemption. This policy applies to both Family Assistance and Safety Net Assistance applicants and recipients.

For further information please see GIS TA/DC035, "Change in the Family Assistance and Safety Net Assistance Resource Exemption Policy", issued September 6, 2001.

### **Medical Assistance Implications:**

There is no change in Medicaid policy regarding the value or exemption of a vehicle as a resource in determining Medicaid eligibility. The Medicaid eligibility policy for all the Medicaid categories is described in 98 OMM/INF-02 and 00 ADM-5. One vehicle, which is in use, is exempt under the medically needy category, i.e., when determining eligibility under Aid to Dependent Children (ADC)-related or Supplemental Security Income (SSI)-related budgeting. Local districts have the option to

exempt additional vehicles in determining Medicaid eligibility, as specified in 98 OMM/INF-02 and 00 ADM-5. Districts are reminded that there is no resource test for Family Health Plus; therefore, the value of a vehicle is not an eligibility consideration.

**VII. Effective Date**

This release is effective August 19, 2002 for FS applicants and recipients.

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**Issued By**  
**Patricia A. Stevens**  
**Deputy Commissioner**  
**Division of Temporary Assistance**