

GENERAL INFORMATION SYSTEM
Center for Employment & Economic Supports

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TO: Subscribers

SUGGESTED DISTRIBUTION: Commissioners; TA Directors, SNAP Directors

FROM: Phyllis Morris, Deputy Commissioner
Center for Employment and Economic Supports

SUBJECT: Addressing Emergency Needs Resulting from Recent Flooding

EFFECTIVE DATE: Immediately

CONTACT PERSON: SNAP Replacement Request Questions – SNAP Policy Bureau (518) 473-1469
TA Immediate Need Questions – TA Policy Bureau (518) 474-9344

I. Background and Purpose

In response to the flooding caused by heavy rains over the past week in numerous parts of the state, this GIS is being issued to alert and remind Social Services Districts (SSDs) about Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance (TA) program tools and policies that can be used to address emergency needs that may occur due to the impact of the flooding.

This GIS also serves to:

- Reinforce and clarify for SSDs the Temporary Assistance and Supplemental Nutrition Assistance Program (SNAP) policies for dealing with loss of food and other emergencies during a disaster, and to
- Provide SSDs with the intranet link to the latest (8/12) version of the LDSS-2291: "Request for Replacement of Food Purchased with Food Stamp Benefits." This form must be used when there is a request for replacement of food purchased with SNAP benefits. It may be accessed at:

http://otda.state.nyenet/ldss_eforms/eforms/2291.pdf

II. Program Implications

Consideration of Good Cause for Failure to Meet Regular Program Requirements

Districts should ensure that staff is reminded of the requirement to grant good cause when failure to meet program requirements is due to factors beyond the participant's control. Severe weather conditions may result in the inability of individuals to attend agency appointments, including work activity assignments, due to factors such as lack of transportation, lack of child care, or worksite closures. Districts should

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consider the extent to which such factors may have affected an individual's ability to meet program requirements and may document good cause based on a notation of area conditions without requiring case-by-case documentation.

Extending Certification Periods for SNAP Cases

Due to the flooding, some households due to recertify their SNAP case by the end of June or the end of July may not be able to recertify or comply with all the requirements of recertification. For SNAP households with expiring certification periods that are not at the maximum allowable certification period, SSDs have the option to extend the certification period up to the maximum allowable certification period of 12 or 24 months as directed in 01 ADM 08, or up to 48 months for NYSNIP cases. Any such extensions must be done manually by the SSD and require individual notification of the household.

For SNAP households with expiring certification periods that **are** at the maximum allowable certification period, a good cause exemption may be granted, as noted above, on a case-by-case basis, and a one-month extension of the certification period may be granted based on this good cause exemption. This extension also must be done manually, and the reason for the good cause exemption must be thoroughly documented in the case record.

Replacement of Lost or Destroyed Food Purchased with SNAP Benefits

Section 11 of the Food Stamp Source Book (<https://otda.state.ny.net/dta/Manuals/FSSB.pdf>) provides policy and procedures for the replacement of food purchased with SNAP benefits.

Current SNAP recipient households that have lost food purchased with SNAP benefits due to a disaster or household misfortune are entitled to a replacement issuance of benefits provided that:

- The household reports the loss within 10 days of the date of the misfortune; **and**
- The household returns a signed and completed form LDSS-2291 "Request for Replacement of Food Purchased with Food Stamp Benefits," within 10 days of the date of the report of loss. If the 10th day falls on a weekend or holiday, a statement received the day after the weekend or holiday is acceptable.

The LDSS-2291 is an affidavit attesting to the loss of food due to a household misfortune or disaster, and to the cost of the amount of food lost. In a disaster where the power outages, floods and other disastrous effects are pervasive (such as those caused in some areas of the state by Hurricane Irene, Tropical Storm Lee and Hurricane Sandy), it usually is not necessary for households requesting replacement of SNAP benefits due to food loss to provide additional documentation of the disaster or a list of food items lost. The written attestation on the LDSS- 2291 regarding the loss to the household and the cost of the items lost usually is sufficient

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documentation for authorizing the replacement of SNAP benefits to eligible households.

However, if the SSD has reason to believe that a request for replacement is questionable, then they should determine that the household was affected by the disaster and that destruction of food did occur, as claimed, before issuing replacement benefits. Information from, but not limited to, utilities, government and community (such as the Red Cross) emergency response organizations, police, fire and public safety organizations, and other community organizations can be used to corroborate that a household was affected by the disaster. Collateral contacts from landlords and home visits also can be used to corroborate the disaster.

SSDs shall deny or delay replacement issuances where the available information and documentation indicates that a household's request for replacement benefits is likely fraudulent.

Operation of a D-SNAP

Operation of a Disaster Supplemental Nutrition Assistance Program (D-SNAP) requires federal disaster declarations for individual assistance for the county in which the program is to be operated, and prior approval by the United States Department of Agriculture. To understand the requirements and responsibilities of SSDs operating such a program, districts should review the New York State Office of Temporary and Disability Assistance Disaster Supplemental Nutrition Assistance Program Plan at the following link:

<http://otda.ny.gov/resources/NY-DSNAP-Plan-2012-2013.pdf>

As with the regular SNAP, local SSDs have primary responsibility for the operation of a D-SNAP.

As noted above, permission to operate a D-SNAP is wholly contingent upon a county having received a federal disaster declaration for individual assistance **and** upon USDA having granted authorization to operate a D-SNAP in that county. SSDs whose counties have received federal disaster declarations for individual assistance are **not** required to operate a D-SNAP. The decision of whether circumstances merit and resources permit the operation of a D-SNAP must be made by the SSD, in consultation with OTDA, **before** an application to USDA for permission to operate a D-SNAP can be made.

At this time, no Presidential Declarations of Disaster at the Individual Assistance Level have been made for this flooding event. We will notify local social services districts if such declarations are made.

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Temporary Assistance

Emergency Programs and Scope of Assistance: Although there are no ongoing waivers of TA program eligibility requirements, there are existing emergency assistance programs listed below that are available to meet emergency and immediate needs that resulted primarily from flood and power outages for eligible TA applicants and recipients and eligible recipients of Supplemental Security Income (SSI). In addition to other specified items of need, these programs are available to meet the emergency or immediate needs for food, shelter (including emergency shelter), furniture, clothing replacement, and property and equipment repair/replacement including heating and plumbing equipment as specified in 18 NYCRR § 352.4(d), 352.6(e), 352.7 (b), 372.4 (b) and 397.5 (h).

- **Emergency Assistance to Families with Children (EAF)** - is an emergency program designed to provide for the immediate needs of both applicants and recipients of TA. EAF may be available for all of the items, conditions and amounts specified in 18 NYCRR Part 352 as well as for services to cope with emergency situations. For more information on EAF see TASB chapter 11.
- **Emergency Assistance for Adults (EAA)**- is an emergency program designed to provide for the emergency needs of Supplemental Security Income (SSI) recipients. Resources that are excluded from consideration by the Social Security Administration (SSA) also are excluded when determining eligibility for EAA. EAA covers the items specified in 18 NYCRR Part 397.
- **Emergency Safety Net Assistance (ESNA)** - is an emergency program designed to provide for the effective and prompt relief of identified emergency needs that cannot be provided for under EAF or EAA. ESNA is limited to the items, conditions and amounts specified in 18 NYCRR Part 352. For more information on ESNA see TASB chapter 10 section I.

TA Emergency Programs and the Utilization of Income and Resources: TA emergency programs are intended to be used to meet the emergency or immediate needs of households that do not have available income or resources to reduce or meet their need for such assistance. TA applicants or recipients must use all of their available resources to reduce or meet their emergency and immediate needs. TA emergency programs must not be used to meet emergency or immediate needs until all available resources are exhausted. TA applicant or recipients claiming an emergency need cannot put aside the otherwise exempt resource limit amount of \$2,000/ \$3,000 in cash, checking or savings accounts. These resources must be used to meet the emergency or immediate need.

Applicants and recipients of emergency assistance must pursue, accept and/or exhaust any resources accessible in time to reduce or meet the need for TA. If an applicant or recipient refuses, without good cause, to utilize such resources, the TA applicant/recipient household must be denied/closed. (18 NYCRR 351.1)

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Due to the effects of the flooding, it may be difficult to obtain verification of resources but SSDs must attempt to make as complete an eligibility determination as possible before meeting the specific emergency or immediate need. The emergency need must be met if the applicant cannot be determined ineligible and has cooperated in attempts to establish eligibility.

While an individual or family may have income or resources that would ordinarily exceed the income and resource eligibility standards for recurring TA, these individuals and families nevertheless may be eligible for emergency assistance because only available income and immediately accessible resources are counted in determining eligibility for emergency assistance.

Districts must use the following guidelines in determining if income is available or a resource is accessible.

- Resources must be readily accessible, liquid or easily converted to cash. For example, if FEMA is available and provides funds to replace refrigerators, then a referral and application to FEMA, or any type of insurance is appropriate. While the claim is pending, if the district determines the emergency need to be immediate in nature requiring same day resolution, the district must provide an otherwise eligible applicant with emergency assistance.
- Financial eligibility for EAF is not necessarily based on financial eligibility for TA but instead is based on income and resources actually available to meet the emergency or immediate need. Income must be actually available and readily accessible at the time of the emergency or immediate need in order to be considered available.
- The income standard for ESNA of 125% of the current federal income official poverty level guideline limitation does **not** apply if the emergency is the result of fire, flood, or other like catastrophe. Therefore, this gross income limit for ESNA does not apply to those requesting assistance stemming from results of the declared disaster emergency.
- Pursuant to 02 ADM-02, income and resources that are credibly earmarked to meet specific basic essential items or needs, food or other items of need identified in Part 352 of 18 NYCRR must be considered unavailable to meet the emergency need. For example, if the applicant states that his/her next paycheck or bank funds are going to be used to pay an imminent mortgage payment, the district must consider the income or resource as earmarked and unavailable to meet the current emergency.

TA Application: All individuals or families not in receipt of TA who wish to apply for emergency assistance must complete, sign and submit the State prescribed application form (LDSS-2921). The applicant must also have a face-to-face interview on the day the application is submitted. Individuals who apply only for TA emergency assistance should

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not be required to comply with TA employment requirements that may otherwise apply to TA applicants.

Current TA recipients are not required to submit an application for emergency assistance and may request such assistance by telephone or mail. A face-to-face interview is not required. However, a same day interview must be conducted upon receipt of the request, which can be conducted over the telephone. For more information see 02 ADM-02.

In situations of mass emergency, a social services district may use the LDSS-880 "Register of Application and Authorization for Emergency Assistance" (http://otda.state.ny.net/ldss_eforms/eforms/0880.pdf), to address mass EAF needs such as shelter for displaced families or providing food at a temporary shelter. If it is determined necessary to utilize the LDSS-880, the LDSS 2921 – Statewide Common Application is not required as the LDSS-880 is considered both the application and the authorization form when signed by the authorizing official. Instructions for use of the LDSS-880 are found on the reverse side of the form.

TA Documentation: Ordinarily, persons claiming an emergency or immediate need must, at a minimum provide verification of identity, household composition and citizenship status. Many persons affected by the declared disaster emergency may have lost their documents or may be unable to retrieve them from their homes. The SSDs are reminded that collateral statements are acceptable documentation in this situation. If assistance is needed to secure documents not already in the possession of the SSD, the district must help the applicant to secure necessary documents. See Documentation Desk Guide (LDSS-2642) as a guide to determine possible forms of documentation that can be used to verify an eligibility factor. The delay or inability to meet documentation requirements at application must not interfere with providing needed emergency assistance provided the applicant is cooperating in obtaining the documentation. Applicants or recipients who are unable to explain why they cannot produce documentation or who refuse to provide collateral contacts without good cause, must be denied assistance for failure to cooperate.