

**GENERAL INFORMATION SYSTEM**  
**Center for Employment & Economic Supports**

November 21, 2014

Page: 1

**TO:** Subscribers

**SUGGESTED DISTRIBUTION:** Commissioners, Employment Coordinators, TA and SNAP Directors,  
HEAP Coordinators, WMS Coordinators

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

**SUBJECT:** Addressing Emergency Needs Resulting from Impact of Western New York Winter Storms

**EFFECTIVE DATE:** Immediately

**CONTACT:** SNAP Policy Bureau (518) 473-1469  
TA Policy Bureau (518) 474-9344

**I. Background and Purpose**

This GIS is being issued to alert and remind impacted Social Services Districts (SSDs) about Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance<sup>1</sup> (TA) program tools and policies that can be used to address emergency needs that may occur due to the impact of the recent winter storms in Western New York.

This GIS also serves to:

- Reinforce and clarify for SSDs the TA and 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 (8/14) 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 can be accessed at: ([http://otda.state.ny.net/ldss\\_eforms/eforms/2291.pdf](http://otda.state.ny.net/ldss_eforms/eforms/2291.pdf))

**II. Program Implications**

**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**

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<sup>1</sup> Whenever 'Temporary Assistance' or 'TA' is used in this document, it means 'Family Assistance' and 'Safety Net Assistance.' Statutorily, these programs are referred to as 'Public Assistance.'

**GENERAL INFORMATION SYSTEM**  
**Center for Employment & Economic Supports**

November 21, 2014

Page: 2

- 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, 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 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.

In Upstate WMS, SNAP benefits being re-issued to replace food lost in a household disaster should be issued using Payment Type Code 92.

### **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 approval by the United States Department of Agriculture. At this time, none of the counties impacted by the November 2014 winter storms have received a federal disaster declaration for individual assistance. Should federal disaster declarations be issued, OTDA will provide further guidance regarding D-SNAP.

### **Temporary Assistance**

Local districts can provide Emergency Temporary Assistance to those individuals and families whose food has spoiled due to power outages or floods caused by the storm, who are not eligible for replacement SNAP benefits and who are in immediate need. The amount is normally a prorated portion (for the number of days of need) of the non-shelter portion of the household's standard of need (Basic, HEA and SHEA). The household must meet all other eligibility factors as specified in the Temporary Assistance Source Book (chapter 10, section F for ESNA or chapter 11, section C for EAF). Local districts that anticipate mass requests for such assistance may use the LDSS-880 "Register of Application and Authorization for Emergency Assistance." Persons unable to prepare food at home may also be eligible for a prorated portion of the restaurant allowance granted in accordance with 18 NYCRR Parts 352.7(c).

**GENERAL INFORMATION SYSTEM**  
**Center for Employment & Economic Supports**

November 21, 2014

Page: 3

In the event of flooding, although there are no ongoing waivers of TA program eligibility requirements, there are existing emergency assistance programs available to meet the emergency needs that arise from the situation. In addition to replacement of food items due to spoilage, these emergency programs may cover shelter (including emergency shelter), furniture, and clothing replacement as necessary. Property and equipment repairs/replacements, including heating equipment, may also be provided as specified in 18 NYCRR Parts 352.4(d), 352.6 (e), 352.7 (b), 372.4 (b) and 397.5 (h).

Even though 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 may be eligible for a one-time only TA payment to meet their immediate needs. For Emergency Assistance to Families (EAF), only actually available income and resources are counted in determining eligibility. This release also reminds districts that the income standard for Emergency Safety Net Assistance (ESNA) of 125% of the current federal income official poverty line income limitation does **not** apply if the emergency is the result of a fire, flood, or other like catastrophe. Therefore, this gross income limit for ESNA may not apply for occurrences related to or resulting from catastrophic circumstances.

For more information on meeting emergency needs see 02 ADM-02 "Meeting the Emergency /Immediate Needs of Temporary Assistance (TA) Applicants/Recipients."

**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 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.