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 | ADMINISTRATIVE DIRECTIVE |
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TRANSMITTAL: 94 ADM-15

TO: Commissioners of
 Social Services

DIVISION: Economic
 Security

DATE: September 22, 1994

SUBJECT: Food Stamps: Expansion of Definition of Food Stamp
 Eligibles Who Reside in Certain Group Living Arrangements

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| SUGGESTED DISTRIBUTION: | IM Directors Food Stamp Directors Staff Development Coordinators |
| CONTACT PERSON: | Food Stamp County Representative 1-800-343-8859, extension 4-9225 |
| ATTACHMENTS: | None |

FILING REFERENCES

| Previous ADMs/INFs | Releases Cancelled | Dept. Regs. | Soc. Serv. Law & Other Legal Ref. | Manual Ref. | Misc. Ref. |
|-----------------------|-----------------------|-------------|---|--|--|
| | | 387.1 | 7 CFR 271.2 273.1(e)(1) P.L. 102- 237 P.L. 101- 624 | FSSB V-A-4.1 6.1-6.2 V-D-1.2 X-B | GIS IM/DC034 ABEL Transmittal 92-3 |

I. PURPOSE

This directive describes the expansion of food stamp definition of eligibility for those disabled persons who reside in certain group living arrangements. This change is set forth in Section 901 of the Food, Agriculture, Conservation, and Trade Act Amendments of 1991 (The Fact Act, P.L. 102-237) and was implemented with GIS IM/DC034 dated August 5, 1992.

II. BACKGROUND

Section 3 of the Food Stamp Act of 1977 describes those residents of institutions who are eligible to apply for food stamps.

A qualifying institution is defined as a public or private nonprofit group living arrangement that serves no more than 16 residents and is certified by the appropriate State agency or agencies under regulations issued under the Social Security Act. Previously, to be eligible for food stamps, residents of these qualifying institutions had to be blind or disabled and in receipt of Retirement Survivors Disability Insurance (RSDI) and/or Supplemental Security Income (SSI). The Fact Act expanded the types of disabled people who are eligible to receive food stamps.

III. PROGRAM IMPLICATIONS

As a result of this provision, residents who meet the definition of disabled as set forth in the Food Stamp Source Book (FSSB), Section V-A-6.1, and reside in qualified group living arrangements, are eligible for consideration for food stamp benefits even if they are not in receipt of SSI or RSDI.

Most residents in these facilities receive SSI or RSDI and will not be effected by this change. Those residents who previously would have been denied because they did not have the qualifying income (RSDI and/or SSI) may now be eligible if they are disabled according to Food Stamp rules. Budgeting procedures have been developed for these newly-eligible residents who are not receiving RSDI or SSI.

IV. REQUIRED ACTION

Those individuals who applied for food stamps on or after February 1, 1992, who reside in qualified group living arrangements and who meet the food stamp definition of disabled (FSSB V-A-6.1-6.2) are eligible for consideration for food stamps. In all cases, except when there is public assistance (PA) income with no RSDI or SSI, the SSI Living-With-Others rate is used when calculating the Personal Care Cost. This procedure applies even when there is no SSI income.

- A. Group living, Levels I and II (with or without earned income) with PA income but no RSDI or SSI income.

The district must calculate the shelter amount off line by subtracting the Thrifty Food Plan (TFP) amount for one person (or the food allowance returned by the facility if that is higher) and the Personal Needs Allowance (PNA) from the normal PA Grant.

- B. Group Living Levels I and II, (with or without earned income), with no PA or with PA in combination with RSDI/SSI.

The district must calculate the shelter amount off line by subtracting the TFP amount for one person (or the food allowance returned by the facility if that is higher) and the PNA from the lesser of the actual income or the SSI Living-With-Others rate.

- C. State Operated Community Residence has no change in budgeting procedure. Instructions are in the FSSB Section X-B-1.3.

V. SYSTEMS IMPLICATIONS

- A. Upstate ABEL

Complete details for the procedures that are to be used on ABEL to calculate FS Budgets for the affected cases can be found in "Information #4: FS Budget for Group Living Residents Who Are Disabled" on pages 27 through 32 of ABEL Transmittal 92-3.

- B. New York City

Procedures have been developed and will be transmitted in a forthcoming ABEL transmittal. In the meantime it will be necessary to do bottom line budgets.

VI. EFFECTIVE DATE

This Directive is effective October 1, 1994. Benefits must be restored to February 1, 1992.

Oscar R. Best, Jr.
Deputy Commissioner
Division of Economic Security