



**George E. Pataki**  
Governor

**NEW YORK STATE**  
**OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE**  
40 NORTH PEARL STREET  
ALBANY, NY 12243-0001

**Brian J. Wing**  
Commissioner

## Administrative Directive

### Section 1

<b>Transmittal:</b>	01 ADM 8
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Temporary Assistance
<b>Date:</b>	July 11, 2001
<b>Subject:</b>	Changes in Food Stamp Application and Recertification Procedures
<b>Suggested Distribution:</b>	Temporary Assistance Directors Food Stamp Directors CAP Coordinators TOP Coordinators Staff Development Coordinators
<b>Contact Person(s):</b>	Eastern Regional Team at 1-800-343-8859, ext. 3-1469
<b>Attachments:</b>	Food Stamps-Request for Contact/Missed Interviews. Form #: LDSS 4573
<b>Attachment Available On – Line:</b>	<input checked="" type="checkbox"/>

### Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
93 ADM-20		387.2 387.7 387.8 387.9 387.17	7CFR 272.4(g) 7CFR 273.2 7CFR 273.10 7CFR 273.14	FSSB IV-E -1 to IV-E-9 FSSB IV-K-4.1 to IV-K-4.4 FSSB V-E -1.1 to V-E-5.1 FSSB VI-A-1 to VI-A-5 PASB III-all PASB IV-all PASB V-A	USDA Regional Letter 00-12

### Section 2

#### I. Purpose

The purpose of this release is to advise Social Services Districts (SSDs) of several changes in Food Stamp (FS) application and recertification processing requirements resulting from implementation of provisions of the Personal Responsibility and Work Opportunity

Reconciliation Act of 1996 (PRWORA). These changes were included in final federal Food Stamp rules which were effective June 1, 2001.

## **II. Background**

The following policies pertaining to FS application and recertification processing procedures are in effect currently. These policies are summarized here because districts must continue to follow these practices. In addition, SSDs must implement the new policies that are outlined in section IV of this directive.

### **Application Process**

Current FS policy permits a household to apply for FS benefits either directly, through an authorized representative or through the mail using the State prescribed form. The application may be filed with the SSD on the same day it is requested or, at the discretion of the household, at a later date. The household has the right to file the application at any time during regular FS office hours. SSDs are required to provide assistance to those applicants who need or request help in completing and filing their application.

A household is not required to have an interview prior to filing its application. In addition, an application must be accepted for filing if it contains at a minimum an applicant's name, address (if the household has one) and signature.

### **Interview Requirements**

In-person interviews are generally required with the applicant or their authorized representative in all cases, unless the household is unable to appoint an authorized representative and all household members are elderly or disabled. Districts may also waive the in-person interview on a case-by-case basis if no household member is able to get to the SSD due to transportation difficulties or hardship conditions. In instances where the in-person interview is waived, the SSD must conduct the interview by telephone or by scheduled home visit. FS regulations require that an individual be interviewed timely in order to have benefits issued within required time frames.

Recertification in-person interviews must be conducted at a minimum of once every 12 months and, as is the case with certification interviews, may be waived in favor of a telephone interview or scheduled home visit for elderly/disabled households or those with hardship conditions. The requirement for in-person, telephone or in-home recertification interviews also applies to SSI live-alones and residents of group homes who recertify with the mail-in FS recertification form (LDSS-3035).

### **Verification Requirements**

In order to complete the eligibility process applicants also must verify certain requested information. Applicants are required to submit verification within ten days of a written request for missing documentation.

### **Certification Procedures**

Once a household has been found eligible, SSDs assign a household a certification period. Non Temporary Assistance (Non TA) FS households are assigned the longest certification period possible based on the stability of their household circumstances. This is generally six months for households unlikely to experience changes in income or household status. Elderly or disabled households are generally assigned a twelve-month certification period. Certification for Food Stamp households in receipt of TA may extend one month beyond the TA certification period in

order to facilitate required separate determinations. Households likely to experience frequent and significant changes may be assigned shorter certification periods.

### **Expedited Processing**

SSDs are reminded that they must provide the LDSS-3152 “Action Taken” notice to a household that is issued initial benefits under expedited processing standards. This notice contains language informing the applicant that no further benefits can be issued until pended verification is submitted, and that eligibility or benefit changes resulting from this verification will be made without further notice. No further notice is required to close the case if the household fails to complete the required actions.

### **Recertification Procedures**

Households must recertify for benefits prior to the end of their current certification period in order to continue receiving uninterrupted FS benefits. Benefits are to continue uninterrupted when an eligible household reapplies and completes required verification in a timely fashion. Benefits are prorated for the first month of the new certification period, for households other than migrant/seasonal farm workers, when missing verification is provided more than 30 days after the application for recertification or when the household fails to submit their application for recertification prior to the end of their certification period.

## **III. Program Implications**

The changes to application and recertification processing procedures, as outlined below, are designed to enhance program access and increase participation in the FS program. Participation in the program is vital in helping families move to self-sufficiency as well as ensuring that households working for low wages have adequate nutrition.

## **IV. Required Action**

Districts must implement the following new requirements for processing FS applications and recertifications.

### **A. Application Process**

In addition to accepting applications filed in person, through an authorized representative or through the mail, federal rules now permit households to submit applications for FS via facsimile (fax). It is understood that not all SSDs possess the appropriate equipment to enable them to accept applications filed in this manner. SSDs that do have access to fax machines, however, must accept applications via fax, and develop procedures to track these applications and protect the application filing dates.

Accepting applications via fax is one way in which SSDs can increase program accessibility for working or homebound households. In addition, NYS OTDA strongly supports and encourages SSDs to set office hours which accommodate the needs of working families.

SSDs are reminded that applicants for other programs of assistance may not be aware of the FS Program or that they may be eligible, even though they may mention concerns about not having enough food or money to buy food (“food insecurity”). SSDs must encourage households to apply for FS if they convey concerns about food insecurity.

SSDs also are cautioned that if they divert households away from cash assistance, they must inform these households that the diversion requirements of cash assistance programs do not apply to FS. SSDs must encourage households to continue their application for FS and advise these households that cash assistance time limits do *not* apply to the FS Program. This information will be included in future revisions of the client information books (LDSS-4148).

For applications which are sent to the wrong office, SSDs must forward them to the correct office by the next day and ensure that the application will be received by the correct office by that next day. This can be accomplished by sending the application by courier or fax, or electronically in SSDs with electronic application filing capability. Households that apply in person at the wrong office may, at their discretion, take their application with them to file at the correct office, but SSDs must not require them to do so.

SSDs are reminded that regardless of the type of application system in use in the district (paper or electronic), households must be given the opportunity to file an application on their first visit to the SSD office by providing, at a minimum, their name, address (if they have one) and signature on an application form.

## **B. Interview Requirements**

Federal FS rules now prohibit “first come, first served” interviews. SSDs must schedule interviews on a specific day and at a specific time for each applicant that is not interviewed on the same day he or she applies.

Interviews may be conducted at the FS office or any other mutually acceptable location including the household’s residence. Prior to conducting an interview in an applicant’s home, the SSD must schedule the interview for a time that is acceptable to the applicant.

SSDs must waive the in-person interview in favor of a telephone interview or scheduled home visit in hardship cases. SSDs may determine what constitutes hardship. Hardship generally includes, but is not limited to, illness, transportation difficulties, care of a household member, hardship due to residency in a rural area, prolonged severe weather or work or training hours that prevent the household from coming in during SSD office hours. Agencies must waive the in-person interview for a household that requests the waiver if it has no earned income and all of its members are elderly or disabled. Districts must document in the case records the reasons for waiving the in-person interview. SSDs are reminded that, when the requirement to appear in-person is waived, the requirement to be **interviewed** has not been waived; SSDs are still required to interview the household by phone or scheduled home visit. The application and recertification forms and the client information books are being revised to notify FS households of their right to have a face-to-face interview waived for hardship situations.

The requirement to conduct a face- to- face interview at every recertification has been eased. SSDs must conduct face to face interviews at the time of initial certification and at least once every 12 months thereafter. Districts are required to contact households with certification periods longer than 12 months at the 12-month point. This could be through an interview, telephone contact, scheduled home visit or questionnaire sent through the mail.

Cases subject to six-month reporting requirements must be certified for periods of six months unless the SSD obtains approval from OTDA for longer certification periods. In addition, six-month reporters are required to have face-to-face recertifications unless the in-person office interview is waived for hardship conditions.

SSDs may no longer require households to report for an in-office interview during their certification period, although they may request a household to appear. When information is needed during the certification period, the SSD may not require an individual to appear in-person; instead, the SSD must send the new LDSS-4573 "Request for Contact/ Missed Interview Notice" and allow the household at least ten days to submit the required information through other means, such as the mail. SSDs must not use an individual's failure to appear in-person during their certification period as a basis for case closing. Subsequent failure on the part of the household to verify or clarify a questionable eligibility factor would require a Notice of Adverse Action to reduce or terminate benefits, as appropriate.

New York State obtained a waiver in 1991 from the federal FS requirement to automatically schedule a second interview when the initial eligibility interview was missed. Federal rule changes have eliminated the requirement to automatically schedule a second interview. Federal rules are pending, however, that will require SSDs to send households that miss their application interview the LDSS-4573, "Food Stamps-Request For Contact/Missed Interview" notice informing them that it is their responsibility to reschedule. If the household contacts the SSD within the 30-day processing timeframe from the application date, the SSD must reschedule the interview. Although at this time it is a District option to send the notice of missed interview at initial eligibility, OTDA encourages SSDs to provide it because it will be required when the federal rule takes effect. SSDs are reminded that applications may not be denied for failure to appear for a scheduled eligibility interview until 30 days after the application date.

### **C. Verification Requirements**

SSDs are reminded that households must be given 10 days from the date of a written request for documentation to provide the missing information. SSDs also must ensure that, when talking with a collateral contact, only the absolute minimum information can be disclosed in order to obtain the necessary information. SSDs must protect household confidentiality and not disclose that the household has applied for Food Stamps or any other private information provided by the household.

The new federal rules also remove the requirement that homeless households verify shelter expenses claimed in excess of the homeless shelter standard. SSDs may now only require verification if the expense is questionable.

In instances where supplied verification is insufficient, SSDs are reminded that home visits to clarify information must be scheduled in advance. These visits are only to be done when the verification supplied is insufficient to make a firm determination of eligibility or benefit level. They are not to be done based on error-prone profiling.

The new federal rules also reiterate longstanding OTDA policy that SSDs must assist households to obtain verification. SSDs also are now required to accept documentation that is submitted by fax or other electronic means as long as the SSD has the appropriate equipment available. Electronically submitted documents which are questionable are

subject to routine “questionable verification” procedures as outlined in section V-E-2.1 to V-E-3.12 of the Food Stamp Source Book.

Finally, in addition to the requirement to verify the U.S. citizenship of individuals whose citizenship is questionable, SSDs must now verify the immigration status of non-citizens (aliens) whose status is questionable.

#### **D. Certification Requirements**

SSDs now have the option of assigning households certification periods of twelve months. SSD policy to assign twelve-month certification periods for earned income cases, however, requires OTDA approval. Households containing all elderly or disabled adult household members may be assigned certification periods of up to twenty-four months; SSDs are required to have contact with these households at the twelve-month point. For the elderly/disabled population this contact may be accomplished by telephone contact, scheduled home visit or locally developed questionnaire. Districts opting to develop a questionnaire must obtain OTDA approval prior to utilizing the questionnaire. The non-elderly/non-disabled population will be subject to a face-to-face recertification at the end of a twelve-month certification period. As outlined above in “Interview Requirements”, SSDs may waive the face-to-face interview for hardship situations. SSDs opting to extend their certification periods must notify OTDA that they are implementing this option. SSDs choosing this option may wish to utilize WMS Anticipated Future Action Codes as a means to be alerted to the need to contact a household at the twelve-month point if certified for up to twenty-four months. Households certified for more than twelve months may, at their option, choose to have one-time medical expenses budgeted in one month, averaged over the remainder of the first twelve months of the certification period or averaged over the remainder of the certification period. One-time medical expenses reported after the 12<sup>th</sup> month would be allowed in either one month or averaged over the remainder of the certification period.

Federal rules now prohibit the shortening of certification periods with a Notice of Expiration. Certification periods may now only be shortened when the SSD receives information that the household is ineligible or the household fails to cooperate in clarifying its circumstances. In both instances, a Notice of Adverse Action (LDSS-3620 “Notice Of Intent To Change Food Stamp Benefits”) must be issued. The Notice Of Expiration (LDSS-3153 “Continuing Your Food Stamps”) recertification notice, can **not** be used to shorten a certification period. It now is only used to notify the household that its assigned certification period is expiring and what the household needs to do to continue participating in the program.

SSDs may, however, lengthen certification periods. This may be desirable when aligning certification periods with other assistance programs. In extending the certification periods, SSDs must take care not to exceed the certification period time limits outlined above. That is, the total months of the certification period may not exceed six months for earned income households, twelve months for the non-elderly/non-disabled population, or twenty-four months for households with all adult elderly or disabled members. SSDs must send the “Action Taken Notice” when extending certification periods to advise households of their new certification ending date.

The prohibition on shortening the certification periods of eligible FS households also means that when Temporary Assistance cases close with continuing FS eligibility, the FS certification period must match the original TA/FS certification period or longer. SSDs

may not require the household to recertify prior to the last month of the original TA/FS certification period. For example, a TA certification period runs from 01/01/01-06/30/01 and the FS certification on the TA case runs from 01/01/01-07/31/01. Upon the separate determination of continuing Food Stamp eligibility, the Food Stamp certification period would run until 07/31/01. The household would be required to recertify in July. SSDs may continue to send the recertification notice for Non-TA/FS cases during the next to last month of the household's certification period. Jointly processed TA/FS cases need not receive a separate FS recert notice if they are recertified for FS at the same time as their TA redetermination.

## **E. Recertification Requirements**

Face-to-face recertification interviews may no longer be conducted on a "first come, first served" basis. These interviews must now be scheduled on a specific day and at a specific time so that a household has at least 10 days after the interview in which to provide verification before their certification period expires. If a household misses its scheduled interview, the SSD must send the "Food Stamps-Request For Contact/Missed Interview" Notice (LDSS-4573) if the household has submitted their application for recertification. SSDs should note that this notice is a **requirement** at recertification, even though it is an option at this time for applications. For TA/FS cases the "Notice of Missed Interview" may be sent with the case closing notice.

The face-to-face interview requirement may be waived in favor of a telephone interview or scheduled home visit in hardship situations. In addition, face-to-face interviews must be waived at household request for elderly/disabled households with no earned income, again, in favor of a telephone interview or scheduled home visit.

When a household has filed an application for recertification but fails to take a required action, including failing to attend a scheduled interview, the recertification application is denied at the end of the expiring certification period rather than waiting 30 days.

Finally, rules governing delayed processing have been clarified as follows:

- Households filing applications for recertification before the end of the certification period but failing to take a required action may be denied at the end of the expiring certification period. However, the household has 30 days after the end of its certification period to complete the process and have its application be treated as an application for recertification.
- Households taking the required actions before the end of their certification period must have their case reopened and full benefits provided for the initial month of the new certification period.
- Households taking required actions after the end of their certification period but within 30 days of the end of their certification are to have their cases reopened and pro-rated benefits issued back to the date on which they took the required actions.
- Households filing applications within 30 days after the end of their certification period must have their application treated as an application for recertification and benefits are to be pro-rated from the date of re-application.

## **V. Systems Implications Upstate WMS**

WMS added edits to prohibit the shortening of certification periods for purposes of recert call-in, effective July 9, 2001. In addition, new reason codes are being developed to allow the lengthening of certification periods. It is expected that these reason codes will become available in September, 2001. Additional information on these changes will be sent under separate cover.

**Downstate WMS**

WMS support is being developed to prevent the shortening of certification periods when the TA portion of a TA/FS case is closed, and to facilitate the setting of a 24 month certification period for SSI live-alones. When these systems enhancements are available, instructions will be provided under separate cover.

**VI. Additional Information (Optional)**

**Temporary Assistance Implications**

These changes apply only to the FS program. There has been no change in Temporary Assistance procedures regarding the application process (PASB, section III-all), investigation and eligibility (PASB, section IV-all), and recertification process (PASB, section V-A).

**Notices Implications**

The new (6/01) LDSS-4573: "Food Stamps-Request for Contact/Missed Interview" notice is expected to be delivered to the Upstate (Albany) Warehouse and to the HRA (New York City) Warehouse in early fall of 2001. Your district will **not** automatically receive copies. LDSSs must submit requests for these notices, as outlined below, and must photocopy the attached notice in the meantime.

Requests for the LDSS-4573 (6/01) and its camera-ready Spanish version (LDSS-4573S) should be submitted on the OTDA-876 (Rev. 6/98): "Request For Forms or Publications" form and should be sent to:

Office of Temporary and Disability Assistance  
Document Services  
P.O Box 1990  
Albany, New York 12201

Questions concerning ordering forms should be directed to Document Services at 1-800-343-8859, extension 2-0159.

**VII. Effective Date**

Districts must follow the new requirements for households that apply or recertify for Food Stamps on or after August 1, 2001.

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**Issued By**

Name: Patricia A Stevens  
Title: Deputy Commissioner  
Division/Office: Temporary Assistance