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**Center for Employment & Economic Supports**

**September 24, 2008**

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**TO:** Commissioners; TA & FS Directors; WMS Coordinators; CAP Coordinators; MA Directors

**FROM:** Russell Sykes, Deputy Commissioner, Center for Employment & Economic Supports

**SUBJECT:** Group Home and Congregate Care Facility Budgeting

**EFFECTIVE DATE:** October 1, 2008

**CONTACT PERSON:** FS Questions – Food Stamp Bureau (518) 473-1469  
MRB/A Upstate Questions – John Pezzulo (518) 473-3468  
FS ABEL Budgeting – Tom Walkuski (518) 473-9780

The purpose of this GIS message is to inform local departments of social services (Idss) of new Group Home and Congregate Care budgeting methodologies which will be effective October 1, 2008.

- The new group home budgeting process establishes methods for calculating the Food Stamp (FS) countable income and the shelter costs for group home residents who receive Temporary Assistance (TA) payments and those who receive Supplemental Security Income (SSI) benefits.
- Ongoing Food Stamp cases with a FROM Date of 10/01/08 or later have been automatically rebudgeted in accordance with the budgeting methodology described below. No additional action is required for these cases.
- As described in ABEL Transmittal 08-2, in almost all situations, as long as the correct Shelter Type Code and gross income amounts are entered into the ABEL budget, the system automatically will calculate the shelter cost amount and the FS countable income for the budget calculations described below. For instructions on how to budget exceptional situations, see ABEL Transmittal 08-2 for details.
- The new budgeting routines apply to Upstate Food Stamp cases having Shelter Type Codes 10, 12, 13, 15, 16, 17, and 42.

**A. Congregate Care Level 2 – Drug/Alcohol Treatment Facility (Residential Treatment Center)**

Calculating Food Stamp Benefits for Residents of Congregate Care Level 2 Facilities Who Are “Receiving Residential Care” in Congregate Care Level 2 Drug Abuse and Alcoholic Treatment and Rehabilitation Facility – (Upstate WMS Shelter Type Code 10).

**1. FS Countable Income**

The Food Stamp countable income of residents “receiving residential care”, as defined in Section 209(3)(d) of the Social Services Law will be equal to the sum of the following:

- a) the SSI Living with Others rate, or the actual amount of unearned income received by the resident, whichever is less.
- b) plus, the amount by which any additional unearned income exceeds the SSI Congregate Care Level 2 rate.
- c) plus, the amount of any earned income received by the resident.

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Please note that the above definition of countable income applies regardless of whether the resident receives SSI benefits, TA benefits or another source of income.

**2. Shelter Costs**

Shelter costs will be equal to the SSI Living with Others rate or the actual amount of unearned income received by the resident, whichever is less:

- a) minus, for each person in the FS household, the amount of a Congregate Care Level 2 PNA [as set forth in section 131-o(1)(b) of the Social Services Law], and
- b) minus the Thrifty Food Plan amount for a one-person household (as defined in 18 NYCRR 387.1).

**B. Congregate Care Level 2 – Drug/Alcohol Treatment Facility, Residential Treatment Center, Individuals Not Receiving Care or Treatment.**

Calculating Food Stamp Benefits for Residents of Congregate Care Level 2 Facilities Who Are Not “Receiving Residential Care” – (Upstate Shelter Type Codes 10).

In certain Congregate Care Level 2 programs members of the household of the person “receiving residential care” are permitted to reside in the certified site along with the person who is “receiving residential care”.

**1. FS Countable Income**

Countable income will be equal to the sum of each individual’s earned and unearned income.

**2. Shelter Cost for a TA Recipient Receiving a Room & Board Allowance**

The room and board allowance referred to in this section is set forth in state regulation at 18 NYCRR 352.8(b) (1). The shelter cost will be equal to the countable income in **B.1** immediately above

- c) minus, for each person in the FS household, a PNA [as set forth in 18 NYCRR 352.8(c)(1)(i)], *if applicable*, and
- d) minus the Thrifty Food Plan amount for a one-person household.

**3. Shelter Cost for a TA Recipient Receiving a Shelter Allowance**

Shelter cost for a TA recipient receiving a shelter allowance will be equal to the actual amount of the shelter allowance paid.

**4. Shelter Cost for a Non-TA Recipient**

Shelter costs will be equal to the countable income, as determined in B.1 above

- a) minus, for each person in the FS household, a PNA [as set forth in 18 NYCRR 352.8(c)(1)(i)], *if applicable*, and
- b) minus the Thrifty Food Plan amount for a one-person household.

**C. Non-Level 2 - Drug/Alcohol Treatment Facility**

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Calculating Food Stamp Benefits for Residents Receiving Care in Non-Congregate Care Level 2 Drug Abuse and Alcoholic Treatment and Rehabilitation Facilities (Upstate Shelter Type Code 12).

Residents of Non-Congregate Care Level 2 Drug Abuse and Alcoholic Treatment and Rehabilitation centers who are receiving care must have their FS benefits calculated as set forth below:

**1. FS Countable Income of TA Recipients Receiving Care in Non-Congregate Care Level 2 RTC's**

The Food Stamp countable income of Family Assistance (FA) or Safety Net (SNA) recipients receiving care and residing in non-Congregate Care Level 2 RTC's will be equal to either:

- a) the local district's maximum monthly FA or SNA grant [for basic needs, the Home Energy Allowance (HEA), the Supplemental Home Energy Allowance (SHEA), and the appropriate shelter allowance] for a household of equivalent size having no other income; or
- b) if applicable, and of a lower amount than defined in 'a' immediately above, countable income shelter allowance] for a household of equivalent size having no other income; or will be equal to the sum of the room and board allowance [set forth in 18 NYCRR 352.8(b) (1)].
- c) plus the personal needs allowance (PNA) [as set forth in 18 NYCRR 352.8(c) (1) (i)].

**2. Shelter Costs of TA Recipients Receiving Care in Non-Congregate Care Level 2 RTC's**

Shelter costs will be equal to the countable income, as determined in **C.1** above:

- a) minus and for each person in the FS household, the amount of a PNA.
- b) minus the Thrifty Food Plan amount for a one-person household

**3. FS Countable Income of Non-TA Recipients Receiving Care in Non-Congregate Care Level 2 RTC's**

Countable income of residents **not** receiving TA income will be equal to the sum of each FS household member's earned and unearned income.

**4. Shelter Costs of Non-TA Recipients Receiving Care in Non-Congregate Care Level 2 RTC's**

Shelter costs will be equal to the countable income, as determined in **C.3** above:

- a) minus and for each person in the FS household, the amount of a PNA
- b) minus the Thrifty Food Plan amount for a one-person household

**D. Residents of State-Operated Community Residences**

Calculating Food Stamp Benefits for Residents of State-Operated Community Residences (Upstate WMS Shelter Type 13)

**1. FS Countable Income**

Countable income will be equal to the sum of each individual's earned and unearned income.

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**2. Shelter Costs**

Shelter costs will be equal to the countable income as defined in **D.1** immediately above,

- a) minus, for each person in the FS household, the amount of a Congregate Care Level 2 PNA [as set forth in section 131-o (1)(b) of the Social Services Law], and
- b) minus the Thrifty Food Plan amount for a one-person household

**E. Calculating Food Stamp Benefits for Disabled or Blind Persons Residing in and Receiving Care in all Other Group Living Arrangements, Enriched Housing, or Congregate Care Level 2 Supportive or Supervised Living Arrangements (Upstate WMS Shelter Type Codes 15, 16, 17, and 42).**

**1. FS Countable Income**

The Food Stamp countable income of residents "receiving residential care", as defined in Section 209(3)(d) of the Social Services Law will be equal to the sum of the following:

- a) the SSI Living with Others rate, or the actual amount of unearned income received by the resident, whichever is less; plus
- b) the amount by which any additional unearned income exceeds the applicable SSI Congregate Care Level rate (i.e., Congregate Care Level 1, 2 or 3) ; plus
- c) the amount of any earned income received by the resident.

Please note that the above definition of countable income applies whether the resident receives SSI benefits, TA benefits or another source of income.

**2. Shelter Costs**

Shelter costs will be equal to the SSI Living with Others rate or the actual amount of unearned income received by the resident, whichever is less:

- a) minus, for each person in the FS household, the amount of a Congregate Care Level 2 PNA [as set forth in section 131-o(1)(b) of the Social Services Law], if applicable, and
- b) minus the Thrifty Food Plan amount for a one-person household.

**F. Calculating Food Stamp Benefits for Persons Residing in All Other Group Living Arrangements, Enriched Housing, or Congregate Care Level 2 Supportive or Supervised Living Arrangements But Not Receiving Care (Upstate WMS Shelter Type Codes 15, 16, 17, and 42).**

**1. FS Countable Income**

Countable income will be equal to the sum of each individual's earned and unearned income.

**2. Shelter Cost for a TA Recipient Receiving a Room & Board Allowance**

The room and board allowance referred to in this section is set forth in state regulation at 18 NYCRR 352.8(b) (1). The shelter cost will be equal to the countable income in **F.1** immediately above:

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- a) minus, for each person in the FS household, a PNA [as set forth in 18 NYCRR 352.8(c)(1)(i)], *if applicable*, and
- b) minus the Thrifty Food Plan amount for a one-person household.

**3. Shelter Cost for a TA Recipient Receiving a Shelter Allowance**

Shelter cost for a TA recipient receiving a shelter allowance will be equal to the actual amount of the shelter allowance paid.

**4. Shelter Cost for a Non-TA Recipient**

Shelter costs will be equal to the countable income, as determined in **F.1** above:

- a) minus, for each person in the FS household, a PNA [as set forth in 18 NYCRR 352.8(c)(1)(i)], *if applicable*, and
- b) minus the Thrifty Food Plan amount for a one-person household.