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CENTER: Employment & Economic Supports

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

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

SUBJECT: Issuing Replacement Food Stamp Benefits and Emergency Food Replacement

EFFECTIVE DATE: Immediately

CONTACT PERSON: FS Questions – Food Stamp Policy Bureau (518) 473-1469
TA Immediate Need Questions – TA Policy Bureau (518) 474-9344

In anticipation of an increase in requests for replacement of food or food stamp benefits due to the effects of the recent regional power outages experienced in several upstate counties, this GIS message is being issued to:

- Reinforce and clarify the temporary assistance and food stamp policies that local districts must have in place to deal with loss of food due to disasters or in emergencies, and
- Provide local districts with the intranet link to the updated 8/03 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 food stamp benefits.

Food Stamp Recipients: Food Stamp Source Book section 10 provides direction on replacement of food purchased with food stamp (FS) benefits (also see 91 ADM-41). An issuance of FS benefits to replace food purchased with FS benefits that subsequently has been destroyed in a household misfortune must be made, provided that:

- a. The household reports the loss, either orally or in writing, within 10 days of the date of the misfortune; and
- b. The household returns a signed and completed form LDSS-2291 "Request for Replacement of Food Purchased with Food Stamp Benefits" (Rev 8/03) 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.

Examples of household misfortunes resulting in food loss include a flood, an extended power outage or an equipment (refrigerator or freezer) failure. Such situations may affect large areas or be specific to a household. No limit is placed on the frequency of replacement issuances for food destroyed in a household misfortune. To download the updated LDSS-2291 "Request for Replacement of Food Purchased with Food Stamp Benefits (Rev 8/03)" click on the following intranet link:

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

Replacement benefits should be provided to the household within two business days of the filing of the LDSS-2291 Request for Replacement.

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When the loss of food is due to a power outage or cutoff (the stated household misfortune), the district must provide a replacement issuance of the food up to the amount of the most recent food stamp benefit issuance if the household has lost power for a period of four hours or more.

Districts may not require households to bring in spoiled food as verification of their need. Obviously, this is inappropriate for both health and administrative reasons.

Please note that the loss of power also may be due to failure to pay a utility bill. We offer this reminder because of the common misinterpretation that a household misfortune must be the result of an "unanticipated circumstance." In fact, shut offs can occur despite the efforts of the affected household and the consequences on the household are equivalent to a natural catastrophe or other widespread disaster.

Payment Line Instructions: As described in a "Dear WMS Coordinator Letter" dated 8/14/06, replacement of previously-authorized Food Stamp benefits should be issued using Payment Type Code "92-Food Stamp Replacement". Pay Type 92 is limited to single-issues only. Valid Method of Payment Codes are 01, 05 or 06.

Retention of LDSS-2921: Requests for replacement issuances must be clearly documented in the case record of each household receiving such an issuance. We recommend that the LDSS-2921 "Request for Replacement" document be included in the case record of every household requesting such a replacement.

Temporary Assistance: Local districts can provide eligible individuals and families whose food has spoiled due to the power outage, who are not eligible for Food Stamps and who are in an immediate need situation, with Emergency Temporary Assistance. The household must meet all eligibility factors as specified in the Temporary Assistance Source Book (chapter 10, section F for ESNA or chapter 11, section C for EAF.) 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. Local districts that anticipate mass requests for such assistance may use the DSS-880 "Register of Application and Authorization for Emergency Assistance."