

GENERAL INFORMATION SYSTEM
Center for Employment and Economic Supports

February 15, 2011

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TO: Commissioners, Administrators, FS Center Directors, Job Center Directors, Staff
 Development Coordinators

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

SUBJECT: Required Adjustment to Food Stamp Standard Utility Allowances (SUAs)

EFFECTIVE DATE: April 1, 2011

CONTACT PERSON: Food Stamp Bureau, at 1-800-343-8859 ext. 3-1469

Background

Federal regulations require an annual adjustment to the Standard Utility Allowance values. Under waiver, states can choose to adjust biennially. The federal government has directed all states that opted to waive a 2010 adjustment to their SUA values, to have an adjustment done by April 1, 2011. New York State last adjusted SUA values in February 2009. That adjustment was based on the record high fuel and energy costs of July, 2008 and subsequent months. Despite recent increases in fuel and energy costs, current costs are substantially less than they were during the last two quarters of 2008. Therefore, with this adjustment, SUA values will decrease.

Purpose

The purpose of this GIS is to inform HRA staff that there will be a **DECREASE** to the Standard Utility Allowances (SUA) used to figure the amount of food stamp benefits a household gets. These changes are required under federal regulation and reflect changes to fuel, utility and heating prices since the last change to these amounts in February 2009. It also is to notify HRA staff that notices regarding this change soon will be received by affected households. A copy of the notice is attached to this GIS.

Beginning April 1, 2011 the following SUA amounts go into effect:

| | <u>Heating/Air Conditioning</u> | <u>Other Utility</u> |
|----------------------|--|-------------------------------------|
| New York City | \$718.00 (formerly \$781.00) | \$284.00 (formerly \$308.00) |

The amount of the Phone SUA \$33.00 is unchanged.

The **maximum** projected decrease in monthly FS benefits, due to the change in SUA values, for a NYC household is \$19.00. The monthly decrease **due solely to the SUA change** will not exceed \$20.00 in any instance.

For households with aged/disabled members that experience a benefit reduction due to the SUA change, at the next contact with the household, HRA workers should carefully explore the possibility that such households have unreported or unclaimed Excess Medical Expense Deductions that could mitigate the impact of the SUA reduction on their benefits.

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The change to the SUA values resulted in changes to the NYSNIP standard benefit amounts. Only the 'SSI + Other' benefit for Shelter Types 95 and 97 was affected.

NYSNIP BENEFITS MATRIX
BY SHELTER TYPES
Effective 04/01/11

| HOUSEHOLD | | MONTHLY FOOD STAMP BENEFIT AMOUNT | | |
|--|-------------------|-----------------------------------|----------------|---------|
| | | New York City | Nassau/Suffolk | Upstate |
| Shelter Type 94 (High Shelter/SUA) | SSI Only | \$200 | \$200 | \$200 |
| | SSI +Other Income | \$200 | \$200 | \$200 |
| Shelter Type 95 (Low Shelter/SUA) | SSI Only | \$200 | \$190 | \$168 |
| | SSI +Other Income | \$196 | \$181 | \$159 |
| Shelter Type 96 (High Shelter/SUA/\$1 HEAP) | SSI Only | \$200 | \$200 | \$200 |
| | SSI +Other Income | \$200 | \$200 | \$200 |
| Shelter Type 97 (Low Shelter/SUA/\$1 HEAP) | SSI Only | \$200 | \$190 | \$168 |
| | SSI +Other Income | \$196 | \$181 | \$159 |
| Shelter Type 98 (No Shelter or SUA Data) | SSI Only | \$60 | \$60 | \$60 |
| | SSI +Other Income | \$56 | \$56 | \$56 |

As noted above, a copy of the mass notice sent to recipients is attached. If the notice does not print properly and a hard copy is needed, please request a faxed copy via the contacts listed above.

NOTICE OF INTENT TO CHANGE FOOD STAMPS
DUE TO A MASS CHANGE APRIL 1, 2011/NYC

Case Number:
Loc. Off./Unit/Worker:

General Telephone No. for
Questions or Help:

Dear Food Stamp Benefits Recipient:

This is to inform you that there will be a mass change to the Standard Utility Allowances (SUA) used to figure the amount of food stamp benefits a household gets. This federally mandated mass change is required under federal regulation and reflect changes to fuel, utility and heating prices since the last change to these amounts in February 2009. These changes may DECREASE the amount of food stamp benefits you get. **The changes will take place beginning with your April 2011 Food Stamps.**

Some of the Standard Utility Allowances (SUA) have changed. Please review the new SUA amounts below:

| | | |
|---|-------------------------------|-------------------------------|
| <u>Heat/Air Conditioning SUA</u> (If you pay for heat or air conditioning, or receive or reasonably expect to receive HEAP) | NEW \$718.00 | OLD \$781.00 |
| <u>Utility SUA</u> (If you don't pay for heat or air conditioning and don't receive or reasonably expect to receive HEAP, but do pay for other energy costs.) | \$284.00 | \$308.00 |
| <u>Telephone SUA</u> (If you only pay for a telephone) | \$33.00 | (same) |

If you live in New York City, your household's benefit **may** decrease by as much as \$19.00.

If you are a one or two-person household currently receiving \$16.00 a month in food stamp benefits, the amount of your food stamp benefits may not change.

IF YOU ARE AN SSI RECIPIENT WHO IS PARTICIPATING IN THE NEW YORK STATE NUTRITION IMPROVEMENT PROJECT (NYSNIP), YOUR FOOD STAMP BENEFIT WILL BE AS FOLLOWS:

- IF YOU RECEIVE SSI AND RECEIVE ANY OTHER TYPE OF INCOME AND YOUR MARCH FOOD STAMP BENEFIT WAS **\$200.00**, YOUR ONGOING MONTHLY BENEFIT WILL BE DECREASED TO \$196.00.
- IF YOUR MARCH FOOD STAMP BENEFIT WAS **\$200.00**, AND YOUR ONLY INCOME IS FROM SSI, YOUR ONGOING BENEFIT WILL NOT CHANGE.

Note: If you are currently receiving \$16.00 per month in food stamp benefits, your food stamp benefits may not change.

The Regulations which allow us to do this are 18 NYCRR 387.10, 387.12 and 387.15.

**YOU HAVE THE RIGHT TO APPEAL THIS DECISION.
READ THE REVERSE ON HOW TO APPEAL THIS DECISION.**

CONFERENCE AND FAIR HEARING SECTION – DO YOU THINK WE ARE WRONG?

If you think our decision was wrong, you can ask for a review of our decision. We will correct our mistakes. You can do both 1 and 2:

1. Ask for a meeting (conference) with one of our supervisors;
2. Ask for a State fair hearing with a State hearing officer.

1. **CONFERENCE** (informal meeting with us) – If you think our decision was wrong, or if you do not understand our decision, please call us to set up a meeting. To do this, call the conference phone number on the **front** of this notice **or** write to us at the address on the **front** of this notice. Sometimes this is the fastest way to solve any problem you may have. We encourage you to do this even when you have asked for a fair hearing.
2. **STATE FAIR HEARING** – You have **90** days from the date of this notice to ask for a fair hearing.

HOW TO ASK FOR A FAIR HEARING: You can ask for a fair hearing by:

Mail: Send a copy of the entire notice completed to the Office of Administrative Hearings, New York State Office of Temporary and Disability Assistance, P.O. Box 1930, Albany, New York 12201. Please keep a copy for yourself.

I want a fair hearing. I do not agree with the agency's action. (You may explain why you disagree below, but you do not have to include a written explanation.)

Phone: 800-342-3334 (PLEASE HAVE THIS NOTICE WITH YOU WHEN YOU CALL.)

Walk-In: Bring a copy of this entire notice to the New York State Office of Temporary and Disability Assistance at 14 Boerum Place, Brooklyn, New York.

Fax: Fax a copy of the front and reverse of this notice to: (518) 473-6735 or

Online: Complete an online request form at: <http://www.otda.state.ny.us/oah/forms.asp>

If you cannot reach the New York State Office of Temporary and Disability Assistance by phone, fax or walk-in, please write to ask for a fair hearing before the deadline.

WHAT TO EXPECT AT A FAIR HEARING: The State will send you a notice that tells you when and where the fair hearing will be held.

At the hearing, you will have a chance to explain why you think our decision is wrong. You can bring a lawyer, a relative, a friend or someone else to help you do this. If you cannot come yourself, you can send someone to represent you. If you are sending someone who is not a lawyer to the hearing instead of you, you must give this person a letter to show the hearing officer that you want this person to represent you at the hearing.

At the hearing, you and your lawyer or other representative will have a chance to explain why we are wrong and a chance to give the hearing officer written papers that explain why we are wrong.

To help you explain at the hearing why you think we are wrong, you should bring any witnesses who can help you. You should also bring any papers you have, such as: pay stubs, leases, receipts, bills, doctor's statements.

At the hearing, you and your lawyer or other representative can ask questions of witnesses which we bring or which you bring to help your case.

LEGAL ASSISTANCE: If you think you need a lawyer to help you with this problem, you may be able to get a lawyer at no cost to you by contacting your local Legal Aid Society or other legal advocate group. For the names of other lawyers, check your Yellow Pages under "Lawyers".

ACCESS TO YOUR FILE AND COPIES OF DOCUMENTS: To help you get ready for the hearing, you have a right to look at your case file. If you call, write or fax to us, we will send you free copies of the documents from your files, which we will give to the Hearing Officer at the Fair Hearing. Also, if you call, write or fax to us, we will send you free copies of other specific documents from your files which you think you may need to prepare for your Fair Hearing. To ask for documents or to find out how to look at your file, call (718) 722-5012, or fax (718) 722-5018 or write to **HRA Division of Fair Hearing, 14 Boerum Place, Brooklyn, New York 11201.**

If you want copies of documents from your case file, you should ask for them ahead of time. They will be provided to you within a reasonable time before the date of the hearing. Documents will be mailed to you only if you specifically ask that they be mailed.

INFORMATION: If you want more information about your case, how to ask for a fair hearing, how to see your file, or how to get additional copies of documents, call us at the phone numbers on the **front** of this notice or write to us at the address on the **front** of this notice.