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Center for Employment and Economic Supports

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TO: Commissioners; TA Directors, SNAP Directors

FROM: Elizabeth Berlin, Executive Deputy Commissioner

SUBJECT: Disaster Preparedness for Hurricane Sandy

EFFECTIVE DATE: October 29, 2012

CONTACT PERSON: SNAP Replacement Request Questions – SNAP Policy Bureau
(518) 473-1469
TA Immediate Need Questions – TA Policy Bureau (518) 474-9344

I. Background and Purpose

In response to the expected impact of Hurricane Sandy, this GIS is being issued to alert and remind Social Services Districts (SSDs) about Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance program tools and policies that can be used to address emergency needs that may occur due to the impact of the storm.

This GIS also serves to:

- Reinforce and clarify for SSDs the Temporary Assistance and Supplemental Nutrition Assistance Program (SNAP) policies for dealing with loss of food and other emergencies during a disaster, and to
- Provide SSDs with the intranet link to the latest (8/12) 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 SNAP benefits. It can be accessed at:

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

II. Program Implications

Replacement of Lost or Destroyed Food Purchased with SNAP Benefits

Section 11 of the Food Stamp Source Book (<https://otda.state.nyenet/dta/Manuals/FSSB.pdf>) provides policy and procedures for the replacement of food purchased with SNAP benefits.

Current SNAP recipient households that have lost food purchased with SNAP benefits due to a disaster or household misfortune are entitled to a replacement issuance of benefits provided that:

- The household reports the loss within 10 days of the date of the misfortune; **and**
- The household returns a signed and completed form LDSS-2291 "Request for Replacement of Food Purchased with Food Stamp Benefits," 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.

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The LDSS-2291 is an affidavit attesting to the loss of food due to a household misfortune or disaster, and to the cost of the amount of food lost. In a disaster where the power outages, floods and other disastrous effects are pervasive (such as those caused last year in some areas of the state by Hurricane Irene and Tropical Storm Lee), it usually is not necessary for households requesting replacement of SNAP benefits due to food loss to provide additional documentation of the disaster or a list of food items lost. The written attestation on the LDSS-2291 regarding the loss to the household and the cost of the items lost usually is sufficient documentation for authorizing the replacement of SNAP benefits to eligible households.

However, if the SSD has reason to believe that a request for replacement is questionable, then they should determine that the household was affected by the disaster and that destruction of food did occur, as claimed, before issuing replacement benefits. Information from, but not limited to, utilities, government and community (such as the Red Cross) emergency response organizations, police, fire and public safety organizations, and other community organizations can be used to corroborate that a household was affected by the disaster. Collateral contacts from landlords and home visits also can be used to corroborate the disaster.

SSDs shall deny or delay replacement issuances where the available information and documentation indicates that a household's request for replacement benefits is likely fraudulent.

Operation of a D-SNAP

Operation of a Disaster Supplemental Nutrition Assistance Program (D-SNAP) requires federal disaster declarations for individual assistance for the county in which the program is to be operated, and approval by the United States Department of Agriculture. To understand the requirements and responsibilities of SSDs operating such a program, districts should review the New York State Office of Temporary and Disability Assistance Disaster Supplemental Nutrition Assistance Program Plan at the following link:

<http://otda.state.ny.net/news/NY-DSNAP-Plan-2012-2013-Draft.pdf>

Please note that although this version of the SNAP Disaster Plan is labeled as "DRAFT," pending USDA approval, it is the version of the plan that New York State currently is operating under.

As with the regular SNAP, local SSDs have primary responsibility for the operation of a D-SNAP.

As noted above, permission to operate a D-SNAP is wholly contingent upon a county having received a federal disaster declaration for individual assistance **and** upon USDA having granted authorization to operate a D-SNAP in that county. SSDs whose counties have received federal disaster declarations for individual assistance are **not** required to operate a D-SNAP. The decision of whether circumstances merit and resources permit the operation of a D-SNAP must be made by the SSD, in consultation with OTDA, **before** an application to USDA for permission to operate a D-SNAP can be made.

Temporary Assistance

Local districts can provide Emergency Temporary Assistance to those individuals and families whose food has spoiled due to power outages or floods caused by the storm, who are not

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eligible for replacement SNAP benefits and who are in immediate need. 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 (Basic, HEA and SHEA). The household must meet all other eligibility factors as specified in the Temporary Assistance Source Book (chapter 10, section F for ESNA or chapter 11, section C for EAF). Local districts that anticipate mass requests for such assistance may use the DSS-880 "Register of Application and Authorization for Emergency Assistance." Persons unable to prepare food at home may also be eligible for a prorated portion of the restaurant allowance granted in accordance with 18 NYCRR Parts 352.7(c).

In the event of flooding, although there are no ongoing waivers of Temporary Assistance (TA) program eligibility requirements, there are existing emergency assistance programs available to meet the emergency needs that arise from the situation. In addition to replacement of food items due to spoilage, these emergency programs may cover shelter (including emergency shelter), furniture, and clothing replacement as necessary. Property and equipment repairs/replacements, including heating equipment, may also be provided as specified in 18 NYCRR Parts 352.4(d), 352.7 (b) and 397.5 (h).

Even though an individual or family may have income or resources that would ordinarily exceed the income and resource eligibility standards for recurring TA, these individuals and families may be eligible for a one-time only TA payment to meet their immediate needs. For emergency Assistance to Families (EAF), only actually available income and resources are counted in determining eligibility. This release also reminds districts that the income standard for Emergency Safety Net Assistance (ESNA) of 125% of the current federal income official poverty line income limitation does **not** apply if the emergency is the result of a fire, flood, or other like catastrophe. Therefore, this gross income limit for ESNA may not apply for occurrences related to or resulting from catastrophic circumstances.

Consideration of Good Cause for Failure to Meet Regular Program Requirements

Districts should ensure that staff is reminded of the requirement to grant good cause when failure to meet program requirements is due to factors beyond the participant's control. Severe weather conditions may result in the inability of individuals to attend agency appointments, including work activity assignments, due to factors such as lack of transportation, lack of child care, or worksite closures. Districts should consider the extent to which such factors may have affected an individual's ability to meet program requirements and may document good cause based on a notation of area conditions without requiring case-by-case documentation.

III. Systems Implications

Upstate WMS

Temporary Assistance – In order to identify, track and claim payments associated with Hurricane/Tropical Storm Sandy, TA payments authorized under all TA case and transaction types on screens 6/9 of the LDSS-3209, must include special claiming code (SPC CLM) "J-Disaster-Related Emergency" with the associated payment line. Special claiming code "J" is also allowed for TA payments issued on case types 20, 22, 24 and 31. An emergency or short-term SNA case (less than 3 months) requires special claiming code "J" for all authorized payments.

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SNAP Benefits - Workers should enter Special Claiming Category Code 'J – Disaster-Related Assistance' for Payment Type '92 – Food Stamp Replacement' for replacement of SNAP benefits issued as a result of Hurricane/Tropical Storm Sandy. Only SNAP benefits previously issued may be replaced using payment type 92.

NYC WMS

Temporary Assistance – Emergency Safety Net Assistance (ESNA) and Emergency Assistance to Families (EAF) cases opened for non-recurring assistance as a result of Hurricane/Tropical Storm Sandy should be opened with case and line level reason code '064'.

SNAP Benefits – Replacement SNAP benefits should be issued as PA/FS Single Issuance Code '10' or as NPA FS Single Issuance Code '12'. Authorization Number 10292012 should be used for all SNAP single issues.