



KATHY HOCHUL
Governor

DANIEL W. TIETZ
Commissioner

BARBARA C. GUINN
Executive Deputy Commissioner

General Information System (GIS) Message

Section 1

Transmittal:	23 TA/DC004 Upstate Only
Date:	January 13, 2023
To:	Subscribers
Suggested Distribution:	Commissioners, SNAP Directors, TA Directors, WMS Coordinators
From:	Wendy Demarco, Director Food and Nutrition Programs Employment and Income Support Programs
Subject:	Winter Storm Elliott Related Waivers for Erie County
Effective Date:	Immediately
Contact Information:	SNAP & Field Operations Bureau, (518) 473-1469 otda.sm.cees.snap@otda.ny.gov

Section 2

The purpose of this GIS is to advise local social service districts (districts) that the United States Department of Agriculture (USDA), Food and Nutrition Services (FNS) has approved two waivers, requested by New York State, affecting Supplemental Nutrition Assistance Program (SNAP) recipients in Erie County experiencing widespread power outages caused by Winter Storm Elliott that began on December 22, 2022.

Mass Replacement Benefit Waiver – This waiver allows for a prorated monthly SNAP benefit to be automatically issued to SNAP Households in highly impacted areas of the county. To be eligible for mass replacement, an area must have had more than 50% of all households lose power for 4 hours or more during the weather event. Utilizing data from the two main electricity providers in the county, National Grid and New York State Electric and Gas, it is determined that 6 zip codes in Erie County meet this threshold: **14006, 14027, 14081, 14202, 14203, 14208**. The Mass Replacement for all SNAP Households in these zip codes is expected to be issued beginning the week of January 23, 2023.

The prorated mass replacement benefit will equal **40%** of each household’s December SNAP monthly issuance, including the Emergency Allotment supplemental payment (see [22TA/DC104 - COVID-19 December Emergency Allotments to SNAP Households](#)), based on the county-wide average SNAP redemption rate of 59% as of 12/23/22, and accounting for presumed loss of primarily perishable food and not non-perishable food. All SNAP households in the 6 targeted zip codes that received a SNAP payment in ending with 12/31/22 will automatically receive the replacement benefit and mass replacement benefits will be identified with Payment Code 92 and special claiming code J. OTDA will

produce an exception list of cases in pending status that were eligible for the automatic replacement benefit but could not be included in the mass replacement issuances due to pending status.

This waiver does not remove the responsibility of local offices to process individual affidavits received before or after the waiver implementation, as required by 7 CFR 274.6(a). Households issued benefits through mass replacement are not precluded from applying for additional replacement benefits up to the monthly maximum benefit, including the Emergency Allotment. If a client submits an affidavit after receiving a mass replacement and requests an amount greater than the replacement benefit amount received, the household is only entitled to receive the difference between the requested amount and the amount previously replaced.

Waiver Extending the Period to Report Loss of Food Purchased with SNAP – Normally households that have lost food purchased with SNAP benefits, due to a household misfortune, have ten days from the date of the onset or occurrence of the misfortune to report the loss of food to the district and request replacement. Due to prolonged storm clean-up, travel bans and widespread power outages, **USDA-FNS has approved a waiver** for all SNAP households in **Erie County**, extending the reporting period for the loss of food purchased with SNAP benefits **through Friday, January 27, 2023**.

The district is reminded that this extension applies to the period given to report the loss. The household has ten days following the report of loss to file an affidavit ([LDSS- 2291](#)) attesting to the loss and the completed LDSS-2921 must be included in the case record. It is available on the OTDA website in multiple languages. Embedded here is a link to the English/Spanish version:
https://otda.state.ny.net/ldss_eforms/eforms/2291.pdf

A district has ten days from the date the loss was reported, or two business days from the date the affidavit is provided, whichever is later, to process the request for replacement.

For all households submitting a replacement affidavit, districts are reminded to consider the nature of the misfortune, whether only perishable or non-perishable food was destroyed, dates the household received monthly issuance payments and amount redeemed, reasonable consumption between date of issuance and onset of the power outage, and any other factors that would determine the most accurate amount of replacement benefit issued.

Finally, replacement benefits are available up to the household maximum benefit including Emergency Allotment supplement benefits. Pandemic EBT (P-EBT) benefits are **not** eligible for replacement due to household misfortune.