



## General Information System (GIS) Message

### Section 1

<b>Transmittal:</b>	24DC82 Upstate and New York City
<b>Date:</b>	December 23, 2024
<b>To:</b>	Subscribers
<b>Suggested Distribution:</b>	Commissioners, SNAP Directors, TA Directors, CAP Coordinators, Staff Development Coordinators, Fraud Directors, Fair Hearing Staff, WMS Coordinators
<b>From:</b>	Valerie Figueroa, Deputy Commissioner, Employment and Income Support Programs
<b>Subject:</b>	Expiring Federal Authority to Issue SNAP Replacement Benefits, and updates to Temporary Assistance (TA) Replacement Benefits, for Benefits Stolen via Electronic Means Such as Skimming, Cloning, Phishing or Other Fraudulent Methods
<b>Effective Date:</b>	December 21, 2024
<b>Contact Information:</b>	SNAP Policy Bureau at (518) 473-1469 or <a href="mailto:SNAPBureau@otda.ny.gov">SNAPBureau@otda.ny.gov</a> ; Temporary Assistance Bureau (518) 474-9344 or <a href="mailto:tabureau@otda.ny.gov">tabureau@otda.ny.gov</a>
<b>Attachments:</b>	N/A

### Section 2

The purpose of this GIS is to provide social services districts with updated guidance on the authority to replace certain stolen Supplemental Nutrition Assistance Program (SNAP) benefits as originally established by [23-ADM-07](#). The federal authority to replace electronically stolen SNAP benefits expired on December 20, 2024. Districts cannot replace SNAP benefits that were stolen after this date unless Congress acts to reinstate this authority.

Please note, the authority to replace stolen SNAP benefits was **not** included in the federal American Relief Act, 2025 signed into law 12/21/24 which extended the Farm Bill through 9/30/25. Districts will be notified and provided updated guidance in the event subsequent federal legislation is passed restoring the authority to replace electronically stolen SNAP benefits.

In addition, this GIS message reminds districts of provisions of New York State Social Services Law (SSL) § 152-D, which impacts the replacement of Temporary Assistance (TA) Cash Benefits beginning October 1, 2024, as outlined in [23-ADM-07](#).

## Background

The federal Consolidated Appropriations Act, 2023 included provisions to allow for the replacement of SNAP benefits that were stolen through electronic means such as skimming, cloning, third party misrepresentation, or other similar fraudulent methods like phishing. This authority allowed for the replacement of SNAP benefits stolen between October 1, 2022 and September 30, 2024, and was subsequently extended to December 20, 2024, as explained in [24DC064](#).

On December 20, 2024, Congress passed a Continuing Resolution (CR) to continue funding government programs through March 14, 2025. While the passage of the CR avoided a federal government shutdown, it did not include an extension to replace stolen SNAP benefits. Therefore, the replacement authority expired on December 20, 2024 and SNAP benefits stolen after this date are not eligible for replacement.

New York State Social Services Law § 152-D provides authority for districts to replace TA cash benefits that were stolen through electronic means. Individuals could receive up to two replacements each federal fiscal year (FFY) between January 1, 2022, and September 30, 2024 and one replacement each FFY beginning October 1, 2024.

## Program Implications

### SNAP

Districts must continue to consider claims for replacement of stolen SNAP benefits with a **date of theft on or before December 20, 2024** using the claim review and approval guidance established by [23-ADM-07](#). The form to request replacement for stolen SNAP and/or TA Benefits ([LDSS-5215](#)) has not changed and remains available online via the [OTDA EBT Scam Alert](#) webpage. Affected households have 30 days from the date they discovered the theft to submit the request for replacement benefits to their local district.

A SNAP benefit theft transaction that **occurs on or after December 21, 2024**, may not be considered for replacement at this time. These claims must be denied for being outside of the eligible date range for replacement. However, **districts must retain a record of these claims in case any federal retroactive replacement authority is granted**. If such authority is granted, districts will be directed to reconsider these claims.

For incidents that involve multiple theft transactions that span the expiration date, only benefits stolen on or before December 20, 2024 may be considered when determining the amount of SNAP benefits to replace. For example, if a household reports that \$230 in SNAP benefits was stolen on December 19, 2024, and \$140 was stolen on December 21, 2024, only the \$230 stolen on 12/19/24 may be used when considering the claim and calculating the eligible replacement benefit amount (which is the total amount stolen or twice the most recent monthly allotment, whichever is less).

As a reminder, when issuing SNAP replacement benefits (ROS Pay Type Q7; NYC Pay Type RC or RD), the **Payment Date** must be equal the current FFY in which the payment is being issued, not the date of theft, nor the date of application for replacement. For any SNAP replacement benefit issued on or after October 1, 2024, the *Payment Date* should be equal to “Payment From: 10/1/24 – Payment To: 9/30/25”.

As noted in 23-ADM-07, households still may receive up to two SNAP benefit replacements (due to scam-related benefit theft) in each FFY, which runs October 1 through September 30.

If any additional federal action occurs that impacts the ability to issue SNAP benefit replacements, including the ability to issue replacements retroactively from December 20, 2024, districts will be provided with updated guidance.

### **Temporary Assistance**

New York State Social Services Law § 152-D allowed New York State (NYS) to replace TA cash benefits that were stolen through electronic means such as EBT card skimming, cloning, third party misrepresentation, or other similar fraudulent methods like phishing (scam-related benefit theft). The authorizing legislation, however, limited the amount and frequency of the replacement benefits. Individuals may receive two TA cash replacement benefits per FFY between January 1, 2022 and September 30, 2024. However, § 152-D(4)(b)(ii) provides that starting October 1, 2024, **only one** replacement benefit may be issued in each FFY.

When counting the maximum number of TA cash replacement benefits issued per FFY, the determination is made by the **date** the replacement benefit is **issued** to the household. For example, a replacement application (LDSS-5215) is submitted on November 2, 2024, stating that a TA cash benefit was stolen on September 7, 2024. The worker authorizes the replacement benefit on November 7, 2024, using the Payment Date of 10/1/24-9/30/25, which is the current FFY. This replacement would qualify as the one TA cash replacement benefit this individual is eligible for in FFY 2024-25.

As a reminder, upon receipt of the LDSS-5215 (or local equivalent), districts must review the application, make a replacement eligibility determination, and provide appropriate notice to the household within thirty (30) calendar days. The district must issue replacement TA cash benefits within five (5) business days **AFTER** the district has verified TA cash benefits were stolen and eligible for replacement.

### **Reporting**

Districts should continue to collect data on all processed applications, including denials, and submit required data elements quarterly via the existing SNAP and TA reporting procedures.

### **Additional Information & Assistance**

The original guidance on the replacement procedure for SNAP and TA cash benefits can be found in [23-ADM-07](#). Public information on the expiration date for SNAP replacement benefits, as well as the TA replacement benefit limit will be posted to the [OTDA EBT Scam Alert](#) webpage.

Please contact your TA Bureau liaison for Temporary Assistance related questions or concerns, and your SNAP Bureau liaison for any SNAP related concerns.