

CHAPTER 5

FOOD PROGRAMS

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The Food Stamp Program provides government assistance for the purchase of food. Actual paper Food Stamp coupons are no longer issued. Instead, benefits are disbursed once a month through the EBT (electronic benefit transfer) system. People apply for Food Stamps at their local County Assistance Office, or online at www.compass.state.pa.us. Anyone who is denied Food Stamps, or whose Food Stamps are reduced or terminated, should appeal.

See **Chapter 2, Section XIII**, for more information on EBT.

See **Chapter 9**, for more information on Appeals.

Who qualifies for Food Stamps?

 Unlike most public benefits programs, almost everyone who is low-income can get Food Stamps; you do not have to fit into any special categories to be eligible. Almost all low-income people qualify for Food Stamps **except**:

- ▶ people living in an institution where more than half of the meals are provided, although there are certain exceptions – residents of battered women's shelters, alcohol and drug treatment centers, or certain group living arrangements for disabled people **can** get Food Stamps;
- ▶ certain students. But note that many students are eligible: a student can get Food Stamps if she is disabled; she is under age 18 or over age 50; she cares for a child under the age of 6, or a child under the age of 12 if she is a single parent in school full time; she is on work-study; she works 20 hours/week; she is on TANF; or she goes to school less than half time.

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- ▶ striking workers and their families, unless they were eligible before the worker went on strike;
- ▶ certain immigrants who have not yet been in the U.S. for five years (though children, immigrants receiving disability benefits, and immigrants with refugee or asylee status can get Food Stamps right away)

See **Chapter 8** for information on Food Stamps and Immigrants.


See **Appendix B, Section 1** for information on the effect of different types of criminal records on eligibility for Food Stamps.

TIP: *Homeless individuals will not be denied benefits because they lack a permanent place to live. Food Stamp Handbook (FSH) §511.2. They will need to explain that they do not have a permanent place to live, and provide a mailing address where they will pick up mail from the CAO. It could be a friend or relative's address, a post office box, or the address of a social service agency that will allow them to receive mail there. If necessary, they could use the CAO as a mailing address. But the client must remember to check for mail at whatever address she uses—if she does not do so, she could easily lose her benefits. She is also required to notify the CAO of a change of address.*

Caseworkers often make mistakes about the rules on Food Stamps and criminal records, and on Foods Stamps and immigrants, because the rules are so complicated and confusing. Be sure to appeal if your client is denied Food Stamps.

See **Chapter 9** for more information about Appeals.

Who is in a Food Stamp “household?”

 The Food Stamp Program groups people by “households,” and not by families. Everyone must be in the same Food Stamp household if they **live together** and **purchase and prepare food together**. The CAO will count the income and resources of everyone in the Food Stamp household, and will make everyone in the household apply for Food Stamps. One home can have more than one Food Stamp household in it, if the home contains more than one group of people who purchase and prepare food together.

TIP: *The more households there are, the more Food Stamps the home gets overall. For example, if your client is 25 years old, and she and her two children are living with her 27 year old sister and the sister's two children, your client and her two children can be one Food Stamp household, and the sister and her children can be another Food Stamp household, as long as your client and her sister purchase and prepare food separately. If they get the maximum amount of Food Stamps, each of the sisters will get \$408/month in Food Stamps, for a total of \$816; if they were lumped together into one Food Stamp household they would only get \$738/month.*

There is nothing improper or illegal about people arranging to buy and prepare their meals separately if they would get more Food Stamps by doing so.

Some people are required to be in the same Food Stamp household whether or not they purchase and prepare food together. Children under 22 (and their own children) living with their parents must be in the parents' Food Stamp household, even if they purchase and prepare food separately. Spouses who live together must always be in the same Food Stamp household, even if they purchase and prepare food separately.

There is a special rule for people who are elderly (60 or older) **and** unable to purchase or prepare food because of a disability: these people (and their spouses) can be a separate Food Stamp household even though they purchase and prepare food with other people that they live with, as long as the income of the people they live with is below 165% of the poverty level (\$2,361 per month for a family of three in 2008).

Unfortunately just being elderly **or** disabled is not enough to get this exception.

TIP: *Refer your client to the local legal services office for help figuring out if she should be a separate Food Stamp household, or if there is a way to increase the amount of Food Stamps she is receiving. She has the right to appeal about the amount of her Food Stamps, or whether or not she can be a separate household.*

Notes**Q** *How much Food Stamps do recipients get?*

The current (effective October 2007) maximum amount of Food Stamps for one person is \$162/month; for a family of three people it is \$426/month. Most families report that they run out of Food Stamps by the third week of the month. The actual amount of the Food Stamp allotment a client will receive depends on household size and income while accounting for possible deductions such as shelter costs, child care, and medical expenses.

See **Appendix E** for the Food Stamp computation sheet, which can be used to calculate a particular allotment. Be aware that amounts such as the income limits, maximum benefit level, and the standard utility allowance change every year on October 1. The Greater Philadelphia Coalition Against Hunger keeps its computation sheet updated on its web site, at www.hungercoalition.org. You can also screen for food stamp benefit eligibility and the allotment amount online at www.compass.state.pa.us.

TIP: *Families get more Food Stamps if their costs for shelter (rent or mortgage plus utilities) are very high. All households that pay even a portion of their heating or air conditioning costs get a Standard Utility Allowance, which can help increase their food stamp allotment. Households may get more in Food Stamps if they arrange their rent payments so they are responsible for at least a portion of the heat or air conditioning costs. Also remember that there is a \$143/month homeless shelter deduction for use by homeless clients.*

Q *What resources are counted in calculating eligibility for Food Stamps?*

A recipient may not have more than \$2,000 in resources (\$3,000 if there is a household member who receives disability benefits or is over 60). The following are examples of countable and noncountable resources.

Countable resources:

- ▶ cash on hand and in bank accounts
- ▶ lump sum payments
- ▶ fair market value of a second car above \$4,650 (the rules for cars are complicated so check with the CAO and/or your local legal services program)

Resources not counted:

- ▶ residence
- ▶ most retirement accounts
- ▶ life insurance
- ▶ burial plots
- ▶ tools or equipment used to make a living
- ▶ student financial aid
- ▶ one car

Q *What are the rules for unemployed people without children?*

A Unemployed people ages 18 to 49 who can work and who do not live with children are only eligible for 3 months of Food Stamps in any 36 month period. (For a few years, this rule did not apply, but DPW had to reinstate it in many parts of Pennsylvania as of January 2006.) These people are sometimes called Able-Bodied Adults Without Dependents, or ABAWDs.

The three month time limit does **not** apply to people who are:

- ▶ residents of a PA county or section of a county for which DPW has received a waiver from the federal Department of Agriculture. **Many counties and cities have waivers**, and people who live in those counties and cities are able to get Food Stamps on an ongoing basis;

See **Appendix B** for FSH §575.28 and FSH §575, and a current list of counties and sections of counties that have waivers. This list gets revised at intervals, usually once a year. Check the Food Stamp Handbook or ask the CAO or your local legal services office to see if your county's status has changed.

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- ▶ living in a household with a child under 18, even if they are not related;
- ▶ disabled;
- ▶ in a drug or alcohol treatment program;
- ▶ caring for someone who is incapacitated;
- ▶ working at least 20 hours a week;
- ▶ pregnant; or
- ▶ participating in workfare or a training program offered by the CAO.

Q *Do people on SSI get Food Stamps automatically?*

A Starting in January 2007, some SSI recipients were placed into a special program through which they will receive Food Stamps automatically. The new program is called PA CAP, or the Pennsylvania Combined Application Project. With PA CAP, single SSI recipients who live alone or who eat separately from other household members, and who have no other income other than Social Security, will get an ACCESS card with Food Stamps mailed to them. PA CAP will run for five years to see if it more effectively helps the elderly and disabled people to get Food Stamps.

See **Chapter 2, Section XIII** for information for how to activate an EBT (ACCESS) card.

PA CAP participants will get one of four standard monthly Food Stamp benefit amounts, depending on (1) whether they pay more or less than \$196 per month for shelter costs (that is, rent or mortgage payments), and (2) whether they receive only SSI or whether they also receive Social Security income.

The four PA CAP benefit amounts for 2008 are:

	SSI income only	SSI plus Social Security
Shelter costs less than \$196/month	\$34	\$25
Shelter costs at or above \$196/month	\$105	\$96


These amounts will change every year on October 1 to reflect increases in the cost of living.

PA CAP recipients do not have to report any changes to the CAO, but they must continue to report any changes in income or address to Social Security. They will remain in PA CAP without needing to reapply as long as they keep getting SSI. If their shelter costs increase to above \$196/month, they can report that change to the CAO to get the higher PA CAP benefit amount.

If a PA CAP participant thinks she may be eligible for more Food Stamps through the regular Food Stamp Program, she can apply for Food Stamps at the CAO using the regular application. But if she does this and turns out to be eligible for a lower amount than she got through PA CAP, she cannot be put back in PA CAP. The CAO cannot enroll anyone in PA CAP; enrollment in PA CAP is purely through an automated connection between Social Security and DPW computers.

TIP: *Before advising a PA CAP participant to apply for regular Food Stamps, use the computation sheet in the Appendix to this chapter to calculate whether she would be better off staying in PA CAP or getting regular Food Stamps. Keep in mind that PA CAP participants can report a change in shelter costs to get the higher of the PA CAP allotments. Also, PA CAP recipients are assured of getting Food Stamps continuously without the need to reapply, but regular Food Stamp recipients must reapply every year. Of course if a PA CAP participant would get more in Food Stamps with a regular application, leaving PA CAP may be a good choice.*

Q *Are there provisions for expedited (emergency) Food Stamps?*

 Expedited Food Stamps are issued to households that, due to specific circumstances, cannot wait to receive benefits issued in the normal 30-day processing period. Anyone found eligible for expedited Food Stamps must receive the initial allotment no later than the fifth calendar day after the date their application was filed. This date may **not** be extended for weekends and holidays. An applicant may qualify for ongoing Food Stamps even if she is not eligible for expedited Food Stamps.

Expedited Food Stamps are simply the household's first month's allotment (or first two months' allotment if the household applies after the 15th of the month) issued very quickly and without all the verification that is normally required. In order

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to continue to get Food Stamps on an ongoing basis, a household that receives expedited Food Stamps must continue with the normal application process, including giving the CAO the verification it seeks (or at least cooperating in doing so). If the household does not follow through on its application, it will not get ongoing Food Stamps and it will not be able to get expedited Food Stamps the next time it applies.

See **Appendix E** for *Food Stamps Now!* a flyer on Expedited Food Stamps.

Q *Who qualifies for expedited Food Stamps?*



- ▶ Households with gross income and resources less than monthly shelter expenses (including the Standard Utility Allowance if the household pays for heat or air conditioning)
- ▶ Households with resources of \$100 or less and monthly gross income less than \$150
- ▶ Migrant or seasonal farm workers with less than \$100 in resources

If the CAO denies the application for expedited Food Stamps, the applicant has a right to a conference within two workdays to attempt to resolve the issue. The applicant may also still be eligible for ongoing Food Stamps.

Q *How do Food Stamp recipients receive their benefits?*



All cash and Food Stamp benefits are stored electronically and retrieved with the ACCESS card. Recipients can access cash benefits through Automated Teller Machines (ATMs) and Food Stamp benefits from Point of Sale (POS) machines in stores. This system is called Electronic Benefits Transfer (EBT). Some specially equipped POS machines can also process cash transactions.

See **Chapter 2, Section XIII** for more information on EBT.

Q *What does a household have to do to keep getting Food Stamps?*

A The CAO will check in with a household every six months to see if the household continues to be eligible for Food Stamps. Once a year, households must fill out a “redetermination” form, which is like the original application only a bit shorter. Along with the form, households must give the CAO proof of their income, resources, and shelter expenses, as well of proof of any changes in their situation; they must also have an another interview. If the household does not do all these things on time, its Food Stamps will be cut off. If this happens, the household should appeal right away.

See **Chapter 9** for information on appeals.

Six months after the initial application or after a redetermination, the CAO will send the household a “semi-annual reporting” (SAR) form. The household must fill out this form, telling the CAO about its current income and any changes since the last redetermination. Households must send the form back with verification of their income (such as current paystubs) and of any changes **by the deadline on the form**. If the household misses the deadline, or does not send all the needed verification, it will get a Late/Incomplete Notice (L/IN). Households must then fill out the Late/Incomplete Notice and provide the requested proof by the new deadline on the L/IN or its next month's Food Stamps may be late or its Food Stamp case may be closed.

TIP: *Food Stamps may be late even if the household has gotten the SAR form or L/IN in on time. One should keep a copy of any SAR form or L/IN given the CAO, and also get a receipt. You can use this information to get the CAO to issue the Food Stamps quickly if it has not processed the SAR form or L/IN properly.*

In between these six-month check-ins, Food Stamp households must report if their income goes over 130% of the poverty level, which is the Food Stamp “gross income limit.” The Food Stamp computation sheet in the Appendix lists this limit in Step 1. The household must report this change by the 10th day of the month following the month in which its income went up over the income limit. In addition, households should always tell the CAO immediately about any change in address. Many families lose benefits because the CAO cuts off benefits if it gets returned mail.

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Notes**Q** *Do Food Stamp recipients have to work?*

Other than able-bodied adults without dependents in certain counties, described above in the section titled *What are the rules for unemployed people without children?*, most households are not required to work to get Food Stamps. The Food Stamp Program rules give discretion to local CAOs in deciding whether to require Food Stamp households to work. Most CAOs do not expect Food Stamp recipients to work, though some do. If your CAO is requiring people you see to work or participate in employment or training programs, talk to your local legal services office about what you are hearing.

Even if your local CAO requires some Food Stamp households to work, they may not require work of anyone who is exempt under Food Stamp Program rules. Many more people are exempt from working under Food Stamp Program rules than are exempt under TANF work rules. The CAO may not require someone to work if she is:

- ▶ Disabled;
- ▶ Caring for someone under age six or for someone who is disabled;
- ▶ Receiving Unemployment Compensation;
- ▶ In school or training at least half time;
- ▶ In a drug or alcohol treatment program;
- ▶ Pregnant;
- ▶ Homeless;
- ▶ Expected to return to work within 60 days; or
- ▶ Under age 18 and in school, or over age 60.

Refer to Food Stamp Handbook FSH §§ 535.22 and 525.221.

Even if the CAO requires Food Stamp recipients to work, it cannot require more than 12 hours per month of work activities over a total of two months. See Food Stamp Handbook § 535.51.

Q *Can Food Stamp recipients get child care and other special allowances to look for a job or go to work?*

A A Food Stamp recipient may get help from the CAO for child care and other expenses of going to school (including higher education), training, or looking for work. She can get these supports if she is either a mandatory or voluntary participant in the Food Stamp employment & training program. The supportive services available for Food Stamp recipients are the same as those available to TANF parents, and are administered in the same way. The one difference is that recipients may not get child care subsidies or other special allowances for supportive services through the Food Stamp Program to go to work; they may only get such allowances for unpaid activities preparatory to starting a job, such as job search, education, or training.

See **Chapter 7** for information on child care subsidies and **Chapter 2, Section VII** for information on other special allowances for supportive services.

To get child care and other special allowances, Food Stamp recipients will need to complete an “Employment Development Plan.” This document, also called an “EDP,” is similar to the Agreement of Mutual Responsibility that TANF parents fill out.

TIP: *Many CAO caseworkers are unfamiliar with the EDP and Food Stamp special allowances. A Food Stamp recipient should specifically ask to enter into an Employment Development Plan (EDP) so that she can look for a job or go to school. She should make sure the EDP includes her education or training program before signing it. If a worker says that Food Stamp recipients cannot get child care or other special allowances, ask them to look at DPW Operations Memorandum OPS 010905.*

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Notes**Q** *Can family or friends help my client with expenses if she gets Food Stamps?*

A Yes, but it is important that they follow certain rules in doing it. First, if they give her money, it will be counted as income and will reduce her Food Stamps. But if they pay bills for her, or buy things for her, it does **not** count against her Food Stamps. **This is perfectly legal** – and very important, since Food Stamps and welfare do not actually provide enough for people to live on.

If her friends or family pay a bill for her directly to someone to whom she owes money, like her landlord, or a utility company, that is called a **vendor payment**, and it does not reduce her Cash Assistance or Food Stamps. For example, if someone pays her gas or electric bill directly to the gas or electric company, it doesn't count as income to her. But if they give her the money, and she pays the bill, it counts as income and DPW will reduce her Cash Assistance and Food Stamps by the amount of the cash gift.

Similarly, if someone gives her something – for example groceries, clothing, or furniture – that is called an **in-kind payment**, and it does not reduce her Cash Assistance or Food Stamps. They can go shopping with her, and she can pick out the items she wants, and that is okay as long as they pay for the items and then give them to her. But if they give her the money to go shopping, it counts as income to her and DPW will reduce her benefits. Also, any loans she gets from friends, family or a bank do not count as income as long as she intends to repay the loan.

Q *Does the Family Violence Option apply to the Food Stamp program?*

A No. As of right now, the Family Violence Option is only applicable to the TANF and GA programs. But there are some special Food Stamp rules to help families in battered women's shelters.

Q *What are the rules for certified domestic violence shelter residents?*

A The following rules are specifically designed to address the situation of Food Stamp recipients residing in domestic violence shelters.

- ▶ Residents of certified shelters for battered women and children can receive an allotment in the month of application even if they had already gotten Food Stamps for that month as part of another Food Stamp household that includes the abuser.

See **Appendix E** for Food Stamp Handbook (FSH) §§ 511.9 and 511.91.

- ▶ A budget group or household in a shelter is certified based on its income and resources and expenses for which it is responsible. The resources and income of the former household may **not** be considered. Resources jointly owned are not considered if they are owned jointly with a member of the abuser's household and access to the resource requires the agreement of a member of the abuser's household. FSH § 511.92.
- ▶ The CAO will **not** disclose the shelter location except to individuals involved in the administration of the Food Stamp program. FSH § 511.94.

Q *Are there particular problems a battered woman might encounter?*

A In recent years, the Pennsylvania Office of Inspector General (OIG) has accused Food Stamp recipients of "Intentional Program Violations." Many of these Intentional Program Violations are for alleged "trafficking" in Food Stamps (that is, selling Food Stamps for cash). If a recipient is found to have sold her Food Stamps for cash, she can be prosecuted in criminal court for welfare fraud, or she can be charged with an Intentional Program Violation in an administrative proceeding and disqualified from receiving Food Stamps for a period of time. Many of the individuals accused of Intentional Program Violations did not actually sell their Food Stamps. Battered women may be accused of an Intentional Program Violation because of actions of their abusers.

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A battered woman may find that her batterer has misused her EBT card. Battered women often do not report that a batterer has taken her EBT card, or misused some of her Food Stamps. But failure to report the misuse creates an additional set of problems for the woman – not only does she lose the benefits which were misused, but she may also face additional penalties. For example, if the batterer takes her ACCESS card, and sells some of the food stamps on the card (“trafficking”), or uses those food stamps to buy ineligible items, the woman will not only suffer the loss of those food stamps, but may also be charged with an Intentional Program Violation.

Intentional Program Violations are investigated by the Office of Inspector General (OIG), which may attempt to scare the holder of the ACCESS card into waiving her rights to a hearing by having her sign a “waiver,” and agreeing to be disqualified from Food Stamps for an extended period. The OIG investigators are not always sensitive to domestic violence, and have often said that they don't care who used the card or why it happened; they simply hold the woman responsible. This position by OIG violates federal food stamp law, and is the subject of ongoing advocacy. **It is extremely important that individuals accused of an Intentional Program Violation not sign the waiver, and insist on their right to a hearing.**

TIP: *Be sure to refer your client to the local legal services program for representation if she gets a letter from the Office of Inspector General about an Intentional Program Violation, or a Food Stamp or Cash Assistance overpayment. Advise your client never to sign a waiver of her right to an administrative disqualification hearing for an Intentional Program Violation.*

See **Chapter 9** for more information about Appeals.

See **Chapter 2 Section 13** for more information about EBT (ACCESS) cards.

Q *What other food programs are available for low-income women?*

A The WIC (Women, Infants, and Children) program provides free, healthy food, as well as counseling on nutrition and referrals to health care for low-income women and young children. WIC provides milk, cheese, fruits, vegetables, cereal, eggs, peanut butter, juice, beans, and baby formula. WIC program participants may receive actual food products or vouchers for use in supermarkets.

Q *Who qualifies for WIC?*

- A**
- ▶ pregnant women
 - ▶ women who are breast feeding
 - ▶ women who have a baby less than 6 months old
 - ▶ low-income infants and children under five years old

WIC is available regardless of citizenship or immigration status. The income limit is 185% of the poverty level (\$2,713 per month for a family of three in 2008).

To apply, schedule an appointment at a WIC office, have a doctor or nurse complete the WIC forms, show proof of income (e.g. medical assistance card, pay stubs). WIC staff will schedule an appointment with a doctor if necessary.

To locate the nearest WIC office, call 1-800-WIC-WINS (1-800-942-9467), or check the list online at www.pawic.com.

Appendix Materials:

- ▶ Food Stamp computation sheet
- ▶ Operations Memorandum 07-02-13, with list of waived counties for able-bodied adults without dependents
- ▶ FSH 511.9, 511.91, 511.94
- ▶ *How to Get Child Care and Other Supportive Services When Your Family Gets Food Stamps, But Not Cash Assistance*
- ▶ Food Stamps Now!

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