

CHAPTER 5

FOOD PROGRAMS

SECTION I – Food Programs

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The Food Stamp Program provides government assistance for the purchase of food. In Pennsylvania and in many other states, actual paper Food Stamp coupons are generally no longer issued. Instead, benefits are disbursed once a month through the Electronic Benefit Transfer (EBT) system. People apply for Food Stamps at their local CAO. 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.

Q *Who qualifies for Food Stamps?*

A 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 group living arrangements can get Food Stamps
- ▶ people convicted of a drug-related felony which took place after August 22, 1996 (advocates are working in support of legislation that is pending in the Pennsylvania legislature that would lift this ban)
- ▶ striking workers
- ▶ certain immigrants

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

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See **Appendix B, Section I**, 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. 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 P.O. 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 Food 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 on Appeals.

How much Food Stamps do recipients get?

 The current (effective October 2002) maximum amount of Food Stamps for one person is \$139/month; for a family of three people, it is \$366/month. The average Food Stamp benefit per person in Pennsylvania was \$71/month in 2001. 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 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 maximum benefit level and the standard utility allowance, change periodically.


TIP: *To insure that your client gets the maximum benefits to which she is entitled, use the higher of the standard utility allowance and actual expenses when calculating the allotment amount. Also remember that there is a homeless shelter allowance for use by homeless clients.*

 ***What resources are counted in calculating eligibility for Food Stamps?*** A recipient household may not have more than \$2,000 in resources (\$3,000 if there is a household member who is disabled or over 60). The following are examples of countable and noncountable resources:**Countable resources:**

- ▶ cash on hand and in bank accounts
- ▶ lump sum payments
- ▶ savings certificates
- ▶ IRA
- ▶ 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
- ▶ clothing and furniture
- ▶ life insurance
- ▶ burial plots
- ▶ tools or equipment used to make a living
- ▶ most student loans
- ▶ one car


 ***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 ATMs and Food Stamp benefits from POS machines in stores. This system is called EBT. Some specially equipped POS machines can also process cash transactions.

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

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What are the rules for shelter residents?

 The following rules are specifically designed to address the situation of 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. (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 shall 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.
- ▶ The CAO will not disclose the shelter location except to individuals involved in the administration of the Food Stamp program. (FSH § 511.94)

What are the rules for unemployed people without children?

 Unemployed people ages 19 to 46 who do not have children are only eligible for six months of Food Stamps in any 36-month period, effective January 2003 (they used to only be eligible for four months).

The six-month time limit does not apply to recipients 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.
- ▶ disabled
- ▶ in a drug or alcohol treatment program
- ▶ caring for someone who is incapacitated
- ▶ working at least 20 hours a week
- ▶ participating in workfare or certain training programs
- ▶ pregnant

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

A 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.

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

Q *Who qualifies for expedited Food Stamps?*

- A**
- ▶ migrant or seasonal farm workers with less than \$100 in resources
 - ▶ those with resources of \$100 or less and monthly gross income less than \$150
 - ▶ those with gross income and resources less than monthly shelter expenses

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.

See **Appendix E**, for *DPW Operations Memorandum OPSO11201* which includes the current (December 2002) list of counties and sections of counties that have waivers. This list gets revised at intervals, usually in the spring and fall. Check with the CAO or your local legal services office to see if your county's status has changed.

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Q *Who gets Food Stamps together?*

A 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. 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.

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.

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 \$366/month in Food Stamps, for a total of \$732; if they were lumped together into one Food Stamp household, they would only get \$663/month.*

There are special rules for people who are elderly (60 or older) and have disabilities and therefore unable to purchase or prepare food: 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. Unfortunately, just being elderly or having a disability 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.*

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 FVO apply to the Food Stamp program?*

A No. As of right now, the FVO 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.

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

A Recently, the Pennsylvania OIG has begun accusing a lot of Food Stamp recipients of “Intentional Program Violations.” Usually this happens when a retailer is disqualified from the Food Stamp program for trafficking in Food Stamps (buying Food Stamps from recipients for less than the face value, and redeeming them from the federal Department of Agriculture for the full value). The federal Department of Agriculture then notifies OIG, and gives OIG a list of all the Food Stamp recipients whose EBT cards have been used at that retailer. OIG then accuses those recipients of trafficking in Food Stamps. 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 year for the first offense, two years for the second offense, and for the rest of her life for a third offense. Many of the individuals accused of Intentional Program Violations did not actually sell their Food Stamps, but they may be frightened into signing away their rights (signing a “waiver”) as an administrative hearing, out of fear of being prosecuted. Battered women may be accused of an Intentional Program Violation because of actions of their abusers.

One of the problems battered women encounter is that a batterer may misuse her EBT card. Battered women often do not report that a batterer has taken her EBT card, or misused some of her Food Stamps. Not only is the fear of being beaten in retaliation a powerful deterrent to reporting the misuse, but, as described in Chapter 2, Section XIII (Electronic Benefits Transfer), the missing benefits are not restored, there is a fee for replacing the card, and there is a period of time during which she cannot access her benefits. However, failure to report the misuse also 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” or “welfare fraud.” These violations are investigated by the OIG, which will attempt to scare her 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 sensitive to domestic violence, and have often said that they don’t care who used the card or why it happened, they 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.** Recently, the federal Department of Agriculture required OIG to allow 1,250 people to rescind their waivers, and to request hearings, because they had not been given the correct information about their rights to a hearing, and had wrongly been told they would be prosecuted if they did not sign waivers.

TIP: *Be sure to refer your client to the local legal services program for representation if she gets a letter from the OIG 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 **Appendix B, Section XIII**, for a flyer on Intentional Program Violations.


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

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

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

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Notes**Q** ***Who qualifies for WIC?***

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

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 (800-942-9467).

Appendix E:

- ▶ Food Stamp computation sheet
- ▶ *Operations Memorandum OPS 01-12-01*
- ▶ FSH 511.9, 511.91, 511.94
- ▶ *Food Stamps Now!*