

# public benefits

for low-income individuals and families  
applying for and using  
public benefit programs

food stamps

Center for  
Benefits and  
Services

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# **Food Stamps**

## **Center for Benefits and Services**

**A PROGRAM OF THE COMMUNITY SERVICE SOCIETY**

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# Food Stamps

## What Is Food Stamps?

The Food Stamp Program is a federal program that helps low income people buy food. In NYC the Human Resource Administration (HRA) is the agency responsible for administering the Food Stamp Program.



### *What can I purchase with my Food Stamps?*

You can use food stamps to buy any type of food, or seeds or plants that produce food. You cannot use them to buy alcoholic beverages, tobacco, pet food, toiletries, paper or cleaning products, or any other non-food item.

### *What will my Food Stamps look like?*

In NYC you will receive an electronic benefit transfer (EBT) card. The amount of your food stamps is programmed in your card every month. This card works the same way a debit card does. You can go to any store that is participating in the Food Stamp Program, and the amount you paid for your food will be taken from your card.

### *How do I know which stores accept Food Stamps?*

Stores that accept food stamps will have a “Quest” logo with a food bag.

### *How much can I get in food stamps?*

The amount of food stamps you receive depends on the number of people in your household and your monthly income.

### *What if I am not able to shop for myself, what can I do?*

If you are unable to shop for food you can ask someone to be your “authorized representative”. This individual is a person you can trust to purchase the food for you. They will also get a benefit card with the amount of food stamps programmed in the card.

### *How does someone become an authorized representative?*

If you know someone who can be your authorized representative, the person must go to the Food Stamp Center and request to become an authorized representative. This person must either have proof from you, as the person who is receiving food stamps, that you want him/her to be an authorized representative. Both of you must sign the form, *ID Card Signature Authorization, E608vv*, form.

### *If I have no food can I get food stamps quickly?*

Perhaps. If you have less than \$150 in gross income and you have less than \$100 in resources or your rent/mortgage is more than your combined resources and income for that month you may be able to get food stamps within 3 – 5 days. This benefit is called expedited food stamps. Expedited Food Stamps are given on an EBT card if you go to the expedited food stamps center early in the day.

EXPEDITED  
FOOD  
STAMPS

### *What if it is too late in the day to get expedited food stamps on an EBT card?*

Expedited food stamps are sometimes supplied on a 'vault' card, a temporary card issued when it is too late in the day to go to an EBT center and receive an EBT card. This allows you to receive benefits on the same day, even if it is not possible to get an EBT card.

### *How many times can I apply for expedited food stamps?*

You can apply as many times as you need to. But, if you do not complete the application process for ongoing food stamps, you will not be able to get expedited food stamps the following month.

### **Who Does Food Stamps Consider Part of My Household?**

Under the Food Stamp rules a household is either a single person who lives alone or a group of people who live together and purchase and eat meals together.



*Why is it important to know who is in my household?*

When the Food Stamps program figures out how much food stamps you can get, they figure it out based on the number of people in your household. The bigger your household, the more food stamps you can get. The Food Stamps program will count the income of every person who is part of your household when they make a decision about whether your household can get food stamps or not.

*If family members do not purchase and eat meals together, can they be in a separate household?*

That depends. Certain family members living together are always considered a single household whether they purchase and eat meals together or not.

*Which family members must be considered a single household?*

The following must be considered a single household:

- Spouses or common-law spouses
- Parents living with children under 22
- Children under 18 (not including foster children) who are under the parental control of an adult who is not their parent or stepparent.

*What is parental control?*

Parental control is when a child under 18 is living with an adult, who is 18 or older, who is providing 50% or more of that child's support in terms of housing, food, and clothing. This adult can include siblings, grandparents, cousins, or neighbors.

*So other relatives living in the same household can be separate food stamp households, if they purchase and prepare their meals separately?*

Yes.



*What if a roomer is living with me, how will Food Stamps treat them?*

If you have a roomer (someone who pays for their room, but they do not eat any meals with you) living in your household, you would not include them in the household because you are not purchasing and preparing meals together.

*Can roomers apply for food stamps on their own?*

Yes, they can.

*What if a boarder is living with me, how will Food Stamps treat them?*

If you have a boarder (someone who pays you for their room and meals) living in your household, you can choose whether or not you want to include them in the household. If you decide to include them in the household, their income and resources will count toward the household's eligibility. If you decide not to include them, their income and resources will not count.

*If I decide not to include a boarder in the household, can they apply for Food Stamps on their own?*

No, they cannot.

*How will Food Stamps treat foster children?*

If you have foster children living with you, you have a choice to include them in the household size or not.

*Will the foster care income count?*

If you do not include the foster care children in your household, their income cannot be used when the Food Stamps program makes a decision about your eligibility or when figuring out how much food stamps you can get. If you include the foster children in your household, only the foster care income that is used for your normal living expenses can be used when the Food Stamps program makes a decision about your eligibility or when figuring out how much food stamps you can get. Any foster care income that is used for just for

the child, such as school activities, music lessons, camp fees, cannot be used when the Food Stamps program makes a decision about your eligibility or when figuring out how much food stamps you can get.

## **Who Can Get Food Stamps?**

You can get food stamps if you and your family members pass certain tests called eligibility criteria. These criteria are explained below.

## **How Much Income Can I Have?**

You must have limited income. Income is a recurring payment from any source such as salary, Social Security, a pension, unemployment insurance, disability benefits, bank interest or any other sources of income. The Food Stamps program looks at the Gross Income Test and if a family passes this test, the Food Stamps program will calculate a food stamp budget to see if your family is eligible for food stamps.



### *What is the Gross Income Test?*

The gross income test means that your household's gross income must be at or below 130% of the Federal Poverty Level (FPL) to be eligible for food stamps. See the chart below.

### *What is gross income?*

Gross income is what your household earns before taxes.

### *Is there any type of income that Food Stamps does not count?*

Food Stamps does not consider in-kind income, loans, the earned income tax credit, housing subsidies or HEAP payments as part of your gross income.

### *Are there any exceptions to the Gross Income Test?*

Yes, any household that has someone who is elderly or disabled living there does not have to pass the gross income test.

*Who does Food Stamps consider elderly or disabled?*

The Food Stamps program considers anyone who is 60 and over as elderly. They consider anyone who is receiving a disability benefit, such as Social Security Disability, SSI, Medicaid-disabled, veterans with a non-service connected disability rated 100% by the VA, or anyone receiving a federal, state or local government disability pension considered permanent under the Social Security Act.

*What is the Food Stamp budget?*

The Food Stamps program takes certain deductions from your gross income, and based on your family size determines if you can get food stamps and how much you can get in food stamps. This is known as food stamp budgeting.

*What kind of deductions does the Food Stamps program take?*

It depends on household size. You are allowed a standard deduction as follows:

<b>Household Size</b>	<b>Standard Deduction</b>
1 – 3	\$144
4	\$147
5	\$172
6+	\$197

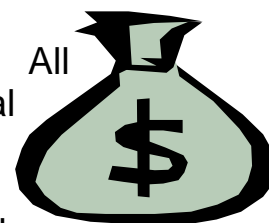
There are also deductions for shelter, earned income, child care or dependent care expenses and medical expenses for the elderly or disabled. The deduction formula can be complicated.

## Eligibility Chart

Maximum Allowable Income Levels (October 1, 2008-September 30, 2009)		
Household Size	Maximum Food Stamp Allotment	Maximum Gross Monthly Income (130% FPL)
1	\$176	\$ 1,127
2	323	1,517
3	463	1,907
4	588	2,297
5	698	2,687
6	838	3,077
7	926	3,467
8	1058	3,857
Each add'l member	\$132 +	\$390 +

### How Many Resources Can I Own?

Most households no longer have to pass a resource test. All households but those who have a sanction or an intentional program violation do not have a resource test. Also, if your household has a member who is elderly or disabled and your gross income is more than 200% of the federal poverty level, you have to pass the Food Stamps program resource test.



*If my household has to pass the resource test, what is the maximum amount of resources I can own?*

You are allowed up to \$2,000 per household; \$3,000 for households with a member who is 60 and over or with a member who is disabled.

*What kind of resources does the Human Resources Administration count?*

- Any property that you own, if you are not living in it as your primary residence
- Funds in bank accounts, stock accounts, or bonds that can be turned into cash
- All the money in a joint bank account, unless you are able to show that it belongs to someone else
- Jewelry or other goods that have inherent resale value



### **Where Must I Live?**

You must be a resident of United States to qualify for Food Stamps. If you live in NYC you can apply in any of the five boroughs.

### **Must I Be A U.S. citizen?**

No, you can be an immigrant, however, only certain kind of immigrants, known as qualified aliens might be eligible for Food Stamps.

*What is a qualified alien?*

Qualified aliens include legal permanent residents, refugees, asylees, those who have withholding of deportation, parolees who have been admitted to the U.S. for at least one year, Cuban/Haitian entrants, Amerasians and people who have been granted a T visa through the Victims of Trafficking & Violence Protection Act of 2000. If you are not in one of these immigration statuses you are probably not eligible to receive Food Stamps. However, you may want to check with an agency to make sure.

*If I am a qualified alien, can I get Food Stamps?*

Not necessarily. Just because you are a qualified alien does not mean that you meet this eligibility test. Only certain qualified aliens are eligible and include:

- Qualified aliens who are disabled (this means they are receiving a disability benefit, such as Supplemental Security Income, issued by the government).

- Refugees, asylees, persons granted withholding of deportation, Cuban/Haitian entrants, and Amerasians and people who have been granted a T visa through the Victims of Trafficking & Violence Protection Act of 2000. are eligible from date of entry.
- Individuals who have lawfully resided in the U. S. as qualified aliens for 5 years.
- Qualified aliens who are under 18 years of age, regardless of the date of entry into the U.S.
- Qualified aliens, 65 and older on or before 8/22/96, who were lawfully residing in the U. S. before 8/22/96.
- Qualified aliens who are on active duty in the U.S. armed forces, or honorably discharged veterans and their dependents.
- Legal permanent residents (these are people with a “green card”) who have 40 quarters of coverage under the Social Security system.

*How do I get a quarter of coverage?*

When you work both you and your employer pay a certain tax called a FICA tax. This tax goes to the Social Security Trust Fund, which is your contribution to the Social Security system. In 2008, when you earn \$1,050 you receive one quarter of coverage with Social Security. You can only receive a maximum of 4 quarters a year. When you have 40 quarters, this usually takes 10 years to collect. This rule only applies to Legal Permanent Residents. U.S. citizens do not need any quarters to receive food stamps.

*Do I have to collect all 40 quarters on my own?*

**40 Quarters**

If you are a legal permanent resident, you do not have to collect all 40 quarters on your own work record. You can use quarters that your parents earned before you turned 18. Or, you can use your spouse’s quarters of coverage. But the work your spouse did must have been done while you were married. Any work before you were married does not count. And your husband or wife’s work record can only be counted while you remain married. So, if you divorce you will no longer be able to use their quarters.

*What if my spouse dies, can I still use his/her quarters?*

Yes, you can.

## Must I Have A Job?

No, you do not have to have a job to receive food stamps. But if you are not working and are between the ages of 16 and 60 you must complete an employment registration when you first apply for food stamps and every 12 months after that. Food Stamps will send this registration to the Department of Labor. If the Department of Labor calls you for an appointment you must call back. If you do not you will be sanctioned, that is, you will lose a portion of your Food Stamps.



*Is anyone exempt from having to work?*

Certain people do not have to follow the Food Stamps work rules. You are exempt if you are:

- Receiving Public Assistance and are participating in the work activities of that program
- 16 or 17 attending school or training on at least a half-time basis
- Caring for a child under the age of 6, or a person of any age who is unable to care for themselves
- Disabled
- Getting Unemployment Insurance benefits
- Part of a drug or alcohol rehabilitation program

## Are There Time Limits?

For many people there are no time limits. But able bodied adults between the ages of 18 and 50 can only receive 3 months of food stamps in a 3 year period, unless they are working at least minimum wage for at least 80 hours a month or are working in a WEP assignment or another work activity under Public Assistance.



*Are there any exceptions?*

Yes, if you are pregnant, disabled, or an adult caring for a child under 18 in your household, you are exempt from work requirements.

*What happens if I received my 3 months of Food Stamps, my benefits stop because of this rule and then I find a job?*

When you begin working at minimum wage for at least 80 hours a month you can reapply for food stamps, if you still meet all the criteria of the program.

*And what happens if I lose my job within this 3-year period?*

If you lose a job through no fault of your own you can get an additional 3 months of food stamps. This additional 3 months of eligibility is only given once in a 3-year period.

### **How Do I Apply For Food Stamps?**

You can apply for food stamps in several ways. If you are eligible for Public Assistance you will also automatically get food stamps without applying separately for it. If you are receiving SSI and are living alone you will get food stamps automatically when you begin receiving SSI. If you are receiving SSI and living alone and are not receiving food stamps you should call the SSI Food Stamp office at **(718) 722-4009** to get the problem fixed. If you are homebound, and do not have a representative to act on your behalf, you can call the Homebound Unit at **(718) 237-7576**. You will receive a packet in the mail and a telephone interview will be conducted.

You may eligible for food stamps even if you do not qualify for SSI or PA. The first step is to apply at the nearest Food Stamp office. To find the nearest location call the HRA Infoline at **(877) HRA-8411**.

If you are a family with a member who is working you may be able to apply over the phone. You should go to the nearest Food Stamp center and ask about the Working Families Food Stamp Initiative. If you are eligible they can tell you what to do next.

*What documents must I bring?*

You must be able to prove all the statements you made on the application, including proof of identity, proof of income, proof of resources, proof of residency, proof of age, disability or blindness, proof of citizenship/immigration status. Food Stamps will give you a checklist of documentation requirements. Food Stamps will generally accept the following documents:

- Proof of Identity
  - Driver's License
  - Photo ID
  - Birth certificates
  
- Proof of Income
  - Pay stub for the previous four weeks
  - Award letters for other benefits
  
- Proof of Resources
  - Bank book/savings account statements
  - Checking account statements for past two months
  
- Proof of Residence
  - Rent receipt
  - Recent utility bill
  - Lease
- Proof of Citizenship
  - U.S. Passport
  - Citizenship papers
  - INS Documentation
  
- Proof of Social Security Number
  
- Proof of Disability
  - Social Security Disability award letter
  - Completed Disability forms DSS 486 and DSS 1151



*What happens during the application process?*

Most applicants must have a face-to-face interview with a Food Stamp eligibility specialist at the local Food Stamp office. Families who meet the Working Families Food Stamp Initiative do not have to have a face to face interview. The Food Stamps program will review your application and documents. They will ask you questions about your income. Also, all adult applicants, 18 and over, and minor head of households, must be finger imaged. Finger images will be matched against those of other people applying for or receiving welfare benefits in NYC and other counties in NYS. Based on the information and documentation you give them, as well

as the results of the finger imaging, they will determine whether you are eligible for Food Stamps or not.

*If I refuse to be finger imaged, can my family still get Food Stamps?*

No. If any member who is required to be finger imaged refuses, the whole household will not be able to get food stamps.

*How and when will I know if I am accepted?*

You will be notified in writing whether your case is accepted or denied, within 30 days of filing your application at the local center. You will receive a written notice from Food Stamps telling you if you eligible or not.

### **How Do I Keep Food Stamps?**

You have to continue to prove that you meet all the eligibility criteria even after you are first approved. This process is known as recertification.

*How often must I recertify?*

After you become eligible for Food Stamps, you must recertify at least once a year to keep your benefits.

*How will I know when to recertify?*

Approximately 75 to 90 days before your food stamps will end; you will receive a recertification notice in the mail.

*What must I do during recertification?*

The recertification form must be completed and returned to the Food Stamp office. Homebound clients and SSI live alones can recertify via the mail. Public assistance recipients are automatically recertified for food stamps when they recertify for public assistance. Everyone else will have an in-person recertification. If you fail to recertify, Food Stamps will close your case.

## What are My Rights?

Almost any time that HRA makes a decision about your case, they must send you a written notice. This includes when they want to accept your case, reject your case, close your case, take back some of the benefits they gave you or reduce the amount of your food stamps. In all of these cases, they must send a notice that describes what they are going to do and why. You have both informal and formal rights.

### *What are my informal rights?*

You can try to speak with your worker or your worker's supervisor. You also have the right to request an informal conference to get the problem resolved. To request a conference call your local center.

### *What are my formal rights?*

You have the right to request a fair hearing within 90 days of the date on your notice. To request a fair hearing call: **(800) 342-3334**.



For adjournments call: **(877) 209-1134**

To write for a fair hearing:

Office of Administrative Hearings  
New York State Department of Social Services  
P.O. Box 1930  
Albany, New York 12201

Fax a fair hearing request: **(518) 473-6735**

Or make a request online at:

[www.otda.state.ny.us/oah/oahforms/erequestform.asp](http://www.otda.state.ny.us/oah/oahforms/erequestform.asp)

### *What happens at the fair hearing?*

There will be a judge who works for the state, HRA will have someone there to explain why they believe they are doing the right thing, and you will have the opportunity to explain why you believe they are not correct.

When you prepare for a hearing, you should think about whether there are documents or witnesses that can help you win your case. You can also have a lawyer, paralegal, social worker, a community advocate or even a friend, help you at your hearing.

*What is aid continuing?*

If you are receiving food stamps and are mailed a notice which states that your food stamps will end, you can continue to receive food stamps if you request a fair hearing within 10 days of the date on the notice.

*What if I lose my fair hearing, will I have to pay Food Stamps back for the benefits I received during this time?*

Yes.

### **Where Can I Turn for Help?**

Food Stamp Program  
Human Resources Administration Office  
250 Church Street 7<sup>th</sup> Fl  
New York, New York, 10013  
**(212) 274-3009**, Fax **(212) 274-2593**

U.S. Department of Agriculture website [www.fns.usda.gov/fsp/](http://www.fns.usda.gov/fsp/)

HRA Infoline at **(877) 472-8411** for:

- Applications for Food Stamps
- Food Stamps Office Locations
- Replacement Food Stamp Cards

NYC Hunger Hotline: **(866) 888-8777**

CBS' ACES Entitlement Counselors: **(212) 614-5552**