

14.2 SPECIAL LIVING SITUATIONS

Some living situations require special information, instructions or procedures. Special living situations are involved in determining AG composition. Therefore, the information necessary to determine AG composition is contained in Chapter 9. Other information about such special situations is presented below.

A. GROUP LIVING FACILITY

Residents of group living facilities (GLF) may be eligible when the requirements in Chapter 9 are met.

1. Definition Of GLF

For its residents to qualify for Food Stamps, the GLF must:

- House no more than 16 residents; and
- Be a public or private non-profit group home; and
- Be certified by the State under Section 1616e of the Social Security Act or be certified under standards comparable to Section 1616e as implemented by the appropriate West Virginia State agency and approved by the Secretary of USDA.

To obtain the approval of the Secretary of USDA, send the following information to the DFA Economic Services Policy Unit: client's name and address, name and address of GLF, contact person for GLF, copy of State certification or approval of operation, name of contact person in the appropriate State agency. Upon receipt of this information, the DFA Economic Services Policy Unit will obtain a written statement of the standards used to approve operation and forward it to the FCS Regional Office. The DFA Economic Services Policy Unit will respond in writing with USDA decision.

Most of the facilities involved are approved by the Division of Children and Adult Services as Adult Family Care Homes. There may be others, however, licensed by the Division of Health, which may qualify, if they are certified under Section 1616e of the Social Security Act.

All Adult Family Care Homes approved within DHHR are non-profit and are certified under Section 1616e of the Social Security Act.

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Most Personal Care Homes licensed by the Division of Health are profit organizations. To determine if the Personal Care Home is non-profit, verification of tax exempt status is required.

Each county office is responsible for verifying that the GLF meets these requirements. The GLF is responsible for providing sufficient documentation. Documentation of FNS authorization is verification of certification by the State. See item 4 below. When the GLF is authorized by FNS, but is unable to document this fact, the Worker must contact the DFA Policy Unit. The DFA Policy Unit will contact FNS to confirm the authorization.

2. When The GLF Is The Authorized Representative

When the GLF is the client's authorized representative, the individual is approved as a one-person AG.

The Food Stamp benefits may be used to purchase food for communal meals or for meals distributed to the residents individually. The GLF may permit the resident to use his Food Stamp benefits to purchase meals supplied by the facility or to purchase food. The overriding consideration is that each resident's Food Stamp benefits must be used for meals intended for that resident.

With the implementation of EBT, an individual employee of the GLF may be an authorized cardholder to receive an EBT card and access the Food Stamp benefit account for the client. The same hierarchy for card issuance applies as for any Food Stamp AG. See Section 1.4,T,3,b.

The GLF is responsible for notifying the Department of any changes in the individual's circumstances, including when the resident leaves the GLF. The GLF is also responsible for any misrepresentation or fraud that it knowingly commits.

3. When The Residents Apply For Themselves

If the residents of the GLF apply on their own behalf or through their own authorized representative(s) who does not represent the GLF, normal processing procedures are followed. The GLF determines whether or not residents should make application as one-person or multi-person AG's.

If a resident or group of residents apply on their own, they assume liability for any overissuances they may receive. They also have all of the responsibilities of any other AG, including reporting changes.

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The Food Stamp benefits may be turned over to the GLF to purchase food for meals consumed communally or individually. The residents may also keep the Food Stamp benefits and use them to purchase meals supplied by the GLF or to purchase food for their own meal preparation.

When the resident applies for himself, he decides who, if anyone, is an authorized cardholder for him to use his Food Stamp benefits.

4. Authorization By FNS As Retail Food Stores

Before the GLF is permitted to redeem Food Stamps through wholesalers, it must be authorized by the FNS of USDA as a retail food store.

Any GLF not acting as an authorized representative for all of its eligible residents requires FNS authorization as a retail food store, if the facility wishes its residents to purchase meals with Food Stamp benefits.

When the GLF is authorized to accept Food Stamp benefits, it may qualify for a point of sale (POS) terminal to use EBT benefits. The GLF may also credit Food Stamp benefits when a resident leaves the GLF prior to the 16th of the month. See item 8 below.

The GLF does not have to be authorized as a retail store for its residents to qualify for Food Stamp benefits.

5. Responsibilities Of The GLF

For its residents to receive Food Stamps, the GLF must accept the following responsibilities:

- To determine whether the facility will act as the authorized representative for all or part of its residents and which residents may apply individually or in groups on their own behalf.
- To verify the qualifications in item 1 above.
- To provide a monthly list of all participating residents to the CSM.
- To meet the requirements in item 4 above, if applicable.
- To agree to random on-site visits that may be made by State Office staff.

It is suggested that the CSM, or designee, explain these responsibilities to the GLF at the time of the first inquiry about participation.

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6. Responsibilities Of The Worker

The Worker has the following responsibilities:

- To accept and process any application made by or on behalf of residents of GLF's.
- To accept the GLF's determination of who will apply for the residents and how they are grouped into AG's.
- To explain how Food Stamp benefits and the EBT card may be used by eligible residents and the requirements found in item 4 above, if applicable.
- To verify the GLF requirements item 1, above.
- To explain the responsibilities of the GLF.
- To report any suspected misuse of Food Stamp benefits by the GLF to the DFA Policy Unit. Such complaints will be referred to USDA.

7. A Change In The Status Of The GLF

When a GLF loses its FNS authorization as a retailer, the residents who applied on their own behalf continue to be eligible to participate. Those for whom the GLF was the authorized representative must be evaluated individually for eligibility. Upon loss of FNS authorization, no Food Stamp benefits may be used to purchase food or meals from the GLF.

8. When The Resident Leaves The GLF

Residents who apply on their own behalf retain the use of their Food Stamp benefits and are entitled to take their remaining benefits with them if they subsequently leave the GLF at anytime during the month. A resident who applies on his own behalf and receives his benefits by EBT, requires no return of benefits. If, for some reason, he has a GLF employee as an authorized cardholder, he must request the removal of the cardholder or a change to another cardholder. If a group of residents apply as one AG, and a resident leaves the GLF, that resident's share of the remaining Food Stamp benefits must be given to him by the facility or the other AG members, whichever is appropriate. The AG must decide how to let the individual who is leaving the GLF spend his portion of the Food Stamp benefits. The individual's share is determined by

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dividing the dollar value of the remaining Food Stamp benefits by the number of persons in the AG.

When the GLF is the authorized representative and the resident leaves, the GLF has specific responsibilities depending upon whether the resident receives coupons or EBT benefits.

a. AG Received Coupons

Food Stamp coupons were last issued in April 2003. If the GLF still has coupons which were issued on behalf of the client, the GLF must:

- Provide the client his Food Stamp ID card and all remaining coupons.
- Return to the Department all Food Stamp coupons received for the client after he has left the GLF, if the GLF was his Authorized Representative, and is unable to return the benefits to the client.
- If a group of residents are certified as one AG and have returned the Food Stamps to the GLF, the departing resident is to be given a pro-rata share.
- To advise the client to report his new address and changed circumstances as soon as possible.

b. AG Received Benefits in EBT Account

If the GLF has taken benefits out of the account which must be returned and the GLF has POS equipment, the benefits can be credited to the client's EBT account. When the GLF is the authorized representative/payee for the client, the GLF's access to the account must be stopped immediately and a new payee entered in RAPIDS. At least one half of the client's benefits must be returned, if he leaves the GLF prior to the 16th of the month. If none of the benefits have been used, all must be credited to the account. If some have been used, all remaining benefits must be credited. If the GLF is not an FNS retailer, there is no method by which to return benefits to the client.

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The GLF must advise the client to report his new and changed circumstances to the local office as soon as possible.

Once the individual leaves the GLF, the GLF can no longer be his Authorized Representative or authorized cardholder.

B. RESIDENTS OF DRUG/ALCOHOL TREATMENT AND REHABILITATION CENTERS

Residents of public or private, non-profit drug addiction or alcoholic treatment and rehabilitation centers and their children who live with them are eligible to participate in the Program if all other eligibility requirements are met. They are required to use the center as an authorized representative and cardholder, when applying for and using the Food Stamp benefits. Spouses who live with the residents in the center and who are not participants in a treatment program are ineligible to be included in the AG. See Section 8.2.

Drug addiction or alcoholic treatment and rehabilitation program means any drug addiction or alcoholic treatment and rehabilitation program under Part B of Title XIX of the Public Health Service Act, conducted by a private, non-profit organization or institution or a publicly operated community mental health center. "Under Part B of Title XIX of the Public Health Service Act" is defined as meeting the criteria which would make it eligible to receive such funds, even if it does not receive the funding.

The client must be a participant in the programs offered at the center to be eligible. Residence in one of the centers is presumed to mean participation, unless the Worker has reason to believe otherwise.

The center is responsible for notifying the Department of any changes in the individual's circumstances and of when the resident leaves the center. In addition, the center is responsible for any misrepresentation or fraud that it knowingly commits in the certification of its residents. The center is also liable for all losses or misuse of Food Stamp benefits or EBT cards held for the residents and for all overissuances, which occur while the individual is a resident of the center.

The center must provide the Department with a monthly list of all participating residents and is subject to periodic on-site visits made by State Office personnel.

When the resident leaves the center, the center has the same responsibilities outlined in item A,8 above. The actions which are taken when the center experiences a change in status are the same as those specified in item A,7 above.

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These programs need not be authorized by FNS to accept Food Stamp benefits as a retailer in order for the residents to qualify for Food Stamp benefits. However, such authorization by FNS serves as verification of operation under Part B of Title XIX of the Public Health Service Act, even though Title XIX funds may not be received by the program.

NOTE: For special considerations involving alcoholic treatment and rehabilitation programs located on Indian reservations, contact the DFA Policy Unit.

C. SHELTERS FOR BATTERED WOMEN AND CHILDREN

Residents of abuse shelters for battered women and their children qualify for Food Stamp benefits under the following circumstances, provided all other eligibility requirements are met.

1. Who Is Eligible

Women and children residing in abuse shelters are exempt from the policy for residents of an institution in Section 8.2. Therefore, even residents who receive the majority of their meals from the shelter qualify, if otherwise eligible.

2. Determining AG Composition

The AG composition is determined as for any other AG. See Section 9.1.

Considerations such as food storage or sharing living space are not used to determine AG composition.

3. County In Which The Application Should Be Made

Residents of abuse shelters must apply in the county where the shelter is located, since that is their current county of residence.

4. When The Resident Is Already Included In A Food Stamp AG

The individuals who leave the original AG are eligible as a separate AG, beginning the month of the separation. They are certified solely on the basis of their income, assets and the expenses for which they are responsible.

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5. Special Income And Asset Considerations

The income of other persons usually in the resident's AG is not counted, unless the income, or a portion of it, is paid directly to the resident of the shelter.

See Section 11.5 for special consideration of jointly-owned assets.

6. Authorized Representatives And Cardholders

Some shelter residents are reluctant to leave the shelters because they fear for their safety. If they choose to, the resident may use an employee of the shelter, another resident or anyone else, who is knowledgeable about the applicant's circumstances, as an authorized representative to make application for or conduct other business. The resident may select any individual as an authorized cardholder.

D. HOMELESS PERSONS AND RESIDENTS OF HOMELESS SHELTERS

Residents of shelters for the homeless are not considered residents of an institution and, if otherwise eligible, qualify for participation in the Program. Food Stamp benefits may be used to purchase meals prepared by approved homeless meal providers.

For the purposes of this policy, a homeless individual is a person who lacks a fixed or regular nighttime residence or a person whose primary nighttime residence is one of the following:

- A supervised shelter designed to provide temporary accommodations, such as a welfare hotel or congregate shelter;
- A halfway house or similar institution that provides temporary residence for persons who might otherwise be institutionalized;
- A temporary accommodation in the residence of another individual. Homeless is defined in this manner for up to a 90-day period. When the homeless individual(s) moves from one residence to another, a new 90-day period begins. A 90-day period in one residence continues when there is a break in participation.
- A place not designed for, or ordinarily used, as a regular sleeping accommodation for human beings, such as a vehicle, a hallway, a bus station, a lobby or similar places.

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A Homeless Meal Provider is a public or private non-profit establishment, such as, but not limited to, a soup kitchen or temporary shelter which is approved by the State and feeds homeless persons.

Persons who are homeless qualify for participation in the Food Stamp Program, if otherwise eligible, because there is no durational or fixed residency requirement.

1. AG Composition

The AG composition is determined as for any other AG. See Section 9.1.

Considerations such as food storage or sharing living space are not used to determine AG composition.

Not all residents of the shelter are included in one AG, simply because they may eat their meals together.

2. Authorized Representatives And Cardholders

Homeless AG's have the right to choose an Authorized Representative or cardholder. However, the homeless meal provider may not be the Authorized Representative or cardholder, even if the client lives where he receives his meals.

3. Use Of Food Stamp Benefits

Homeless AG's may use their Food Stamp benefits to purchase prepared meals from homeless meal providers, as long as the meal provider has been authorized to accept Food Stamps benefits according to item 4, below. However, homeless meal providers may only request voluntary use of Food Stamp benefits for payment. If others have the option of eating free or making a monetary donation, Food Stamp recipients must be provided the same option of eating free or making a donation in money or Food Stamp benefits.

4. Requirements For Meal Providers

To accept Food Stamp benefits as payment for prepared meals, the homeless meal provider must:

- Be a public or private non-profit organization as defined by Section 501 (c)(3) of the IRS Code.

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- Be an establishment or shelter that serves meals to homeless persons. The Department must certify to FNS that this is true. It is the responsibility of the CSM or designee to provide this certification to DFA by memorandum.

One on-site visit must be made by the CSM or designee to confirm that the facility does, in fact, provide meals to the homeless. Once confirmed, the approval continues unless there is reason to question the status. If this occurs, another on-site visit is made and the results reported to DFA.

- Serve meals that include food purchased by the meal provider. Homeless meal providers serving meals which consist entirely of donated foods are not be eligible for authorization.

When Food Stamp coupons are used, the homeless meal providers are prohibited from giving cash change or credit slips for Food Stamp benefits used to purchase prepared meals. They may use uncanceled and unmarked \$1 coupons, which were previously accepted for meals served to Food Stamp recipients, when change is required for \$5 and \$10 coupons.

With the implementation of EBT, meal providers must be certified by FNS to accept Food Stamp benefits.

In determining the cost of prepared meals, the homeless meal provider may not require the client to pay more than the average cost of the food purchased in a meal served to the client. The average cost is determined by averaging food costs over a period of up to one calendar month. Costs incurred in the acquisition, storage or preparation of the meals, as well as the value of donated food, are not used in determining the cost. However, voluntary payments in excess of the average cost may be accepted by the meal provider.