

14.3 EMERGENCY FOOD STAMP ASSISTANCE FOR DISASTER VICTIMS

Authorization of emergency Food Stamp benefits to affected areas is issued by USDA.

A. DISASTER DECLARATION PROCEDURES

When at least a part of the State has been affected by a disaster, with a disruption and subsequent restoration of commercial channels of food distribution, and the ongoing Food Stamp Program cannot respond due to the number of affected persons, the Department may apply to USDA's FNS for authorization to implement temporary emergency procedures.

The application for authorization to use disaster procedures must include the following information:

- The date the disaster began
- A list of the affected areas or a description of the geographical limits of parts of the affected areas in need of assistance.
- A determination that commodity distribution is, or is not, necessary in any part of the disaster areas
- A determination, with substantiation, that commercial channels of food distribution have been disrupted and restored
- A determination, with substantiation, that AG's residing within the affected parts of the disaster area are in need of emergency Food Stamp benefits.
- A determination, with substantiation, that the food needs of such AG's cannot be met by the ongoing Food Stamp Program
- An estimate of the number of eligible AG's in need
- An assessment of the availability and accessibility of Food Stamp certification and issuance sites in the affected areas
- A determination that temporary certification and/or issuance arrangements are, or are not, necessary, and, if so, a description of any proposed arrangements
- An assessment of the availability and accessibility of FNS authorized food outlets in the affected area

Specific Food Stamp Program Requirements

- An estimate of the time necessary to accept and process applications for victims of the disaster
- A recommendation of the length of the benefit period, either a half-month or a full month
- Whether or not the Department plans to reduce disaster Food Stamp benefits to AG's also certified under the ongoing Program, by the amount of the AG's monthly allotment. A description of how the Department plans to accomplish this, or a justification of why it is not administratively practicable, must be included.
- Information on the use of any disaster relief agency the Department wants to assist in administration of emergency Food Stamp benefits. A disaster relief agency is a public or private agency, designated by the Department and authorized by FNS, to perform specified functions in connection with certification for and distribution of emergency Food Stamp benefits during a disaster. The Department must specify the functions which it intends to delegate to the disaster relief agency, and the specific geographical areas in which such functions will be performed by the agency.
- If more than one State agency is involved in administering emergency Food Stamp benefits, a separate application must be submitted for each agency.

If the Department's application is approved, FNS authorizes the State to use disaster certification and issuance procedures. If the application is denied, FNS will immediately notify the Department. The Department may request that FNS review the decision, if additional information is available.

B. SPECIAL ELIGIBILITY CRITERIA

The AG must meet all of the following criteria:

1. Residence

At the time the disaster struck, the AG must have been residing within the geographical area authorized for disaster procedures. The AG may be approved even if it currently occupies temporary accommodations outside the disaster area.

2. Intent To Purchase And Prepare Meals

The AG must indicate its intent to purchase food and prepare meals during the benefit period. An AG residing in a temporary shelter which provides its meals, is ineligible.

Specific Food Stamp Program Requirements

3. Adverse Effects

The AG must have experienced at least one of the following adverse effects as a result of the disaster.

a. Loss of Food

This includes food lost due to power outages and/or damage to the AG's home.

b. Loss or Inaccessibility of Income

This is a reduction or termination of income or a significant delay in the receipt of income. This may occur if a disaster has caused a place of employment to close or reduce its work days, if pay checks or other payments are lost or destroyed or if there is a significant delay in the issuance of pay checks or other payments. It could also occur if the work location is inaccessible due to the disaster. This includes self employment.

c. Inaccessibility of Liquid Assets

This includes situations in which the financial institutions in which the AG keeps its assets are expected to be closed due to the disaster for most of the disaster benefit period, or the AG is otherwise unable to reach its cash assets and is not expected to be able to for most of the benefit period.

d. Damage to Home or Self Employment Business

This includes damage such as complete destruction, loss of roof or walls and destruction of heating equipment.

e. Disaster-Related Expenses

Disaster-related expenses are those which the AG has paid, or is expected to pay during the disaster benefit period, for one of the following expenses. In addition, if the client expects to receive reimbursement for such expenses during the benefit period, a deduction is only permitted for any amount which is not reimbursed during the period.

- Expenses to repair damage to the AG's home or other property essential to the employment or self-employment of an AG member

Specific Food Stamp Program Requirements

- Expenses for temporary shelter, if the AG's home is uninhabitable or the AG cannot reach its home
- Expenses for moving out of an area evacuated due to the disaster
- Expenses related to protecting property from disaster damages
- Medical expenses for disaster-related injuries to a person who was an AG member at the time of the disaster. This includes funeral and burial expenses in the event of death

4. Income

The first step in determining countable income is adding together the following:

- Net income
- Cash assets, i.e., cash-on-hand, accessible funds in checking and savings accounts

Net income includes wages an AG actually receives after taxes and other payroll deductions are subtracted, WV WORKS payments, other unearned income, and self-employment income after taxes and costs of producing the income are subtracted.

Income is counted if it has already been received in the benefit period, or if it is reasonably certain to be received during the benefit period.

IRA's, disaster insurance payments, and disaster assistance payment from federal, state or local governments and disaster assistance agencies are excluded.

From this total, all disaster-related expenses are subtracted and the remaining amount is compared to the maximum disaster income limit for the benefit period. If the income is equal to or less than the disaster income limit, the AG is eligible. Otherwise, the AG is not eligible for disaster Food Stamp benefits.

If the benefit period is one month, the income over this full month is counted and disaster-related expenses that are paid or expected to be paid in this full month period are deducted. In addition, the full monthly disaster income limit is used.

Specific Food Stamp Program Requirements

If the disaster benefit period is for one-half month, only the income received over the half-month period is counted and disaster-related expenses paid or expected to be paid over this same period are deducted. The disaster income limit is one-half of the monthly disaster income limit. All cash assets are counted, regardless of the length of the disaster benefit period.

C. MAXIMUM DISASTER INCOME LIMITS

The maximum disaster income limits are determined as follows:

- Determine the current maximum net income limit for the appropriate AG size. See Chapter 10, Appendix A.
- Add the amount of the current standard deduction for the appropriate AG size. See Chapter 10, Appendix B.
- Add the current amount of the shelter/utility cap. See Chapter 10, Appendix B.

This amount is appropriate when the disaster benefit period is a full month. When the disaster benefit period is for only half of a month, the maximum disaster income limit is one half of the amount calculated above.

D. MAXIMUM DISASTER BENEFIT

The disaster benefit allotment is equal to the maximum monthly allotment for the ongoing Food Stamp Program for the appropriate AG size. See Chapter 10, Appendix A.

If the AG is already participating in the ongoing FSP, the disaster allotment equals the AG's regular monthly allotment, plus a supplement amount to bring the total benefit to the maximum allotment for the AG size.

If the AG is already participating in the ongoing FSP, receives a replacement allotment for lost food, and is later determined eligible for a disaster benefit, the disaster allotment must only equal the supplement to bring the total benefit to the maximum allotment.

EXAMPLE: A 2-person AG applies for disaster benefits in September 2007. The AG is not currently participating in the regular Food Stamp Program. The maximum disaster allotment for a 2-person AG is \$284. The AG is determined eligible and receives a disaster benefit allotment of \$284.

EXAMPLE: A 2-person AG applies for disaster benefits in September 2007. The AG is already participating in the regular Food Stamp Program and

Specific Food Stamp Program Requirements

receives a regular monthly allotment of \$204. The AG does not request a replacement allotment for destroyed food purchased with Food Stamp benefits. The maximum disaster allotment for a 2-person AG is \$284. The AG is determined eligible and receives a disaster benefit allotment of \$284.

EXAMPLE: A 2-person AG is determined eligible for disaster benefits in September 2007. The AG is already participating in the regular Food Stamp Program and receives a monthly allotment of \$204. The AG received a replacement allotment of \$150 for destroyed food purchased with Food Stamp benefits, prior to applying for disaster benefits. The maximum disaster allotment for a 2-person AG is \$284. The AG is eligible for a disaster benefit allotment of \$134. The total benefit received consists of the \$150 food replacement and \$134 in disaster benefits which equals the maximum allotment of \$284.

E. CERTIFICATION PERIODS

The certification period must coincide with the disaster benefit period. If the benefit period is one month, the AG is certified for one month.

If the disaster benefit period is for one-half month, the AG is certified for one-half month.

F. APPLICATION PROCESSING

A special application form must be completed by each AG and an interview must be conducted. Group sessions may be used to screen AG's, explain rights and responsibilities and explain the completion of the application form.

The Department must act on all applications within the benefit period. AG's must have an opportunity to obtain benefits on the date of application, unless restrictions, such as curfews, make it impossible for the Department to meet this standard, or unless the manner of issuance, such as mail issuance precludes this.

During the application interview, the AG must be informed of the following:

- Disposition of the application
- The certification period
- The availability of the ongoing Food Stamp Program
- The civil and criminal provisions and penalties for IPV's

Specific Food Stamp Program Requirements

- The possibility of a post-disaster review
- The AG's rights and responsibilities
- The proper use of Food Stamp benefits

If the AG wishes to apply for the ongoing Food Stamp Program, the address and telephone number of the appropriate office must be provided.

G. VERIFICATION

Only residence and identity must be verified. Acceptable verification includes, but is not limited to:

- Driver's license
- Work identification
- School identification
- Voter's registration card
- Birth certificate
- Rent or utility receipts for verification of residence

When the documents listed above are destroyed or inaccessible during the disaster, telephone directories, city directories and collateral contacts may be used.

In some situations, verification of residency may not be possible, such as when an AG moved to the area immediately prior to the disaster. They may have no documentation of residency or be known in the community. In these situations, the application must not be denied for the lack of verification.

H. CLIENT NOTIFICATION AND FAIR HEARINGS

The Worker must advise the applicant of his eligibility status at the time the application is completed. If eligible, the applicant must be advised of the amount of the allotment and the period the benefits are intended to cover. This information is provided verbally and must be followed up in writing.

Applicants who are denied must be notified in writing. Form FS-D-2 is available for this use or the Worker may complete an ES-NL-A for each individual denial. As with any other Department action, the client has the right to request a Fair

Specific Food Stamp Program Requirements

Hearing. The denied applicant must be offered an immediate, on the spot, supervisory review of the Worker's action. This supervisory review is in addition to the right to a Fair Hearing, not a replacement for it.

I. RELATIONSHIP BETWEEN ONGOING FOOD STAMP PROGRAM AND DISASTER PROGRAM

Those who are issued disaster allotments and who are subsequently determined eligible for the ongoing Food Stamp Program must not have overlapping certification periods.

EXAMPLE: The client applies for and is found eligible for disaster Food Stamp benefits. The disaster benefit period is November 1st through November 15th. On November 10th, he applies for the ongoing Food Stamp Program. The application is treated as if application was made on November 16th, and benefits for November are prorated based on that date.

Those who are already certified for the ongoing Program at the time the disaster occurs, must be permitted to apply for disaster benefits. Their eligibility is determined in the same manner as for any other disaster victim. However, to the extent practicable, the disaster coupon allotment is reduced by the amount of ongoing Food Stamp benefits issued for any part of the disaster benefit period. "To the extent practicable" will be defined DFA at the time of each disaster. However, if the AG's food has been damaged by the disaster and must be replaced, the disaster coupon allotment is not reduced by the amount of ongoing Food Stamp benefits.

NOTE: Food Stamp Program recipients may receive disaster benefits equal to the maximum amount or a replacement of destroyed food purchased with Food Stamp benefits from the regular Program and an additional disaster supplement to bring the total benefit to the maximum allotment. The total amount issued under both programs must not exceed the maximum allotment for the AG size. See item D.

Those who request replacement of Food Stamp benefits received under the ongoing Program, but which were subsequently destroyed in the disaster, or for food destroyed in the disaster, are handled in accordance with instructions in Chapter 21. However, no replacement will be issued if the client has received or will receive disaster benefits in the same amount for the same time period.

J. ISSUANCE OF DISASTER BENEFITS

Because disaster situations are likely to interrupt normal mail service for an affected area, mail issuance may not be practical. The DFA will notify the local offices of issuance procedures for each disaster.