Heat *and* Eat:

Using Federal Nutrition Programs to Soften Low-Income Households' Food/Fuel Dilemma

March 2009

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ABOUT FRAC

The Food Research and Action Center (FRAC) is the leading national organization working for more effective public and private policies to eradicate domestic hunger and undernutrition.

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ACKNOWLEDGEMENTS

This report was prepared by Patricia Baker of Massachusetts Law Reform Institute, with assistance from Ellen Vollinger, Crystal FitzSimons, Geri Henchy, and Madeleine Levin of FRAC.

FRAC gratefully acknowledges the following funders whose support has helped to make possible our work on the SNAP/Food Stamp Program in 2009:

A.M. Fund
Anonymous Donors
The Atlantic Philanthropies
The Annie E. Casey Foundation
Claneil Foundation
Entertainment Industry Foundation
Evangelical Lutheran Church in America
General Mills Foundation
Land O'Lakes Foundation
MAZON: A Jewish Response to Hunger
The Moriah Fund
New Directions Foundation
Presbyterian Hunger Program
Taste of the NFL
UPS Foundation

"*When asked to anticipate their biggest challenges for 2009, nearly every [survey] city cited an expected increase in demand [for emergency food] resulting from the weak economy coupled with high prices for food and fuel.*" – *U.S. Conference of Mayors' Hunger and Homelessness Survey (December 2008)*

I. Introduction – Heating Costs and the Impact on Low-Income Families

Increases in home heating costs in recent years are having an impact on consumers. As of December 2008, the National Energy Assistance Directors Association reported that winter home heating prices were 42.6 percent higher than in 2002-03.[1] A January 2009 survey of state agencies that administer Low Income Home Energy Assistance Program payments (LIHEAP) reports that LIHEAP applications will likely reach record levels for FY 2009, increasing by at least 1.2 million or more than 21 percent over last year's levels.[2]

Low-income families struggle to pay their bills or just to pay most of them—falling behind while juggling the costs of rent, food, utilities, child care, transportation to work (itself subject to skyrocketing gasoline prices), health care, and other essentials. Often they are behind on rent, are behind on utility or credit card bills, are paying off payday loans, are doubled up in housing, owe money to relatives, rely on emergency food providers, or have had to take other special measures. A large jump in one expense category can be catastrophic.

Some costs are unavoidable. Rent has to be paid or the family will be evicted. Child care and car bills have to be paid or jobs will be lost. Two costs that can be squeezed more are food and heat. But the consequences of doing so can be horrendous as heating costs compete directly with food for families' scarce and fixed dollars in winter. "Forty percent [of low-income Americans] reported that they have had to choose between paying for food and utilities in the past year."[3]

Both poor and non-poor families spend more on heating fuel when the weather turns cold, but increases in heating costs hurt poor families harder. Poor families then tend to spend a larger share of income on shelter cost and less on food to compensate, and eat less as a result, while better-off families, even while paying rising fuel bills, spend more on food when it gets colder.[4] The little that poor families have left to spend on food after paying for their heat does not go very far. This has gotten worse due to recent inflation in food prices. Food prices rose 7.5 percent between October 2007 and October 2008; over the same time period the cost of the Thrifty Food Plan (the mix of food items on which low-income people rely) rose 9.4 percent.[5]

Children in low-income families consume fewer calories in winter.[6] They are at greater nutritional risk in the winter and early spring, when utility costs are higher.[7] According to experts Dr. Deborah Frank and

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[1] National Energy Assistance Directors Association, Chart, 12/14/08, available at http://www.neada.org/news/2008-12-14-Winter_Heating_Costs.pdf
[2] LIHEAP Clearinghouse, U.S. Department of Health and Human Services, Administration for Children and Families, "Survey finds LIHEAP applications soaring," available at http://liheap.ncat.org/news/jan09/survey.htm
[3] Feeding America, Public Opinion Poll Release, 12/18/08, available at http://feedingamerica.org/newsroom/press-release-archive/local-impact-survey-2008.aspx
[4] Nord, Mark and Linda S. Kantor, "Seasonal Variation in Food Insecurity Is Associated with Heating and Cooling Costs among Low-Income Elderly Americans," *J. Nutr.* 136:2939-2944, November 2006; Frank, Deborah A., Nicole B. Neault, Anne Skalicky, et al., "Heat or Eat: The Low Income Home Energy Assistance Program and Nutritional and Health Risks Among Children Less Than 3 Years of Age," PEDIATRICS Vol. 118 No. 5 November 2006, pp. e1293-e1302; Bhattacharya, Jayanta, Thomas DeLeire, Steven Haider, and Janet Currie, "Heat or Eat? Cold-Weather Shocks and Nutrition in Poor American Families," American Journal of Public Health, Vol 93, No. 7 July 2003 1149-1154.
[5] FRAC Facts: Rising Food Costs and the Thrifty Food Plan, updated 12/10/08, available at http://www.frac.org/pdf/thriftyfoodplanDEC08.pdf
[6] Frank, Neault, Skalicky, et al., 2006.

John Cook, the adequacy of low-income children's meals deteriorates as the monthly heating bills pile up. After the family has spent its money on rent and utilities, children "go hungry or fill their stomachs with nutrient-deficient fillers such as diluted juice, oatmeal made with only water or inexpensive high-fat sweetened foods."[8]

For low-income households with elderly persons, seasonal patterns in the prevalence of hunger are significant, as households shift expenditures away from food to meet high winter heating costs or high summer cooling costs. [9]

For low-income families, wages and other supports create no breathing room in their budgets. The national minimum wage is $6.55/hour – $13,624/year if a parent works 40 hours/week for 52 weeks. This is way below what a family needs to get by, and far below the federal poverty line. For a family of three, the 2009 federal poverty line is $18,310 per year. More than 37 million people lived on incomes below the poverty line – 15.6 million of them on incomes less than one half the poverty line. Given the economy, these numbers almost certainly will be worse for 2008 and 2009. The United States Department of Agriculture (USDA) reports that 36.2 million Americans lived in food insecure households in 2007. (Food insecurity means they did not have the resources to purchase an adequate diet.) Again, current and 2009 data likely will be worse.

$18,310 (the federal poverty line for a family of three) works out to $1,526 per month. Based on Energy Department figures, a family will pay $143.33/month (from October through March) for home heating costs if they use natural gas.[10] That's 9.4 percent of a poverty line income – and it's 12.6 percent of a full-time minimum wage job income. Families relying on heating oil will pay $282.33 per month to heat their homes, or 18.5 percent of the monthly income of a family of three at the poverty line and nearly 24.9 percent of the minimum wage.

The federal LIHEAP program, which provides low-income families with help in paying heating bills, received a boost in funding for the first part of FY 2009. Without a more substantial increase in funding for the rest of this fiscal year and FY 2010, it will remain inadequate to meet the growing demand.[11] The lack of <u>any</u> LIHEAP benefits for many needy families directly affects children's diets. Research conducted by the Children's Sentinel Nutrition Assessment Program (C-SNAP) found that "compared to babies and toddlers whose families receive LIHEAP, babies and toddlers in income-eligible families who do not receive LIHEAP benefits are significantly more likely to be underweight [and] 32% more likely to be admitted to the hospital on the day of the C-SNAP interview."[12]

While more federal action can help to promote economic recovery and address some of the shortfalls in nutrition and energy assistance, state and local governments can make greater use of existing federal resources to alleviate the squeeze that many low-income residents face between food and energy costs. States and localities can connect more residents with the Supplemental Nutrition Assistance Program (the new national name for the Food Stamp Program), the WIC Program and the federal child nutrition programs. In so doing, they will soften low-income households' "food/fuel dilemma" and bolster the health of their communities.

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[7] C-SNAP, *Fuel for Our Future: Impacts of Energy Insecurity on Children's Health, Nutrition, and Learning*, September 2007, available at http://www.c-snap.org/upload/resource/fuel_for_our_future_9_18_07.pdf.
[8] Cook, John T. and Deborah A. Frank, "Hunger filled with dire consequences," Seattle Post-Intelligencer, March 21, 2004
[9] Nord and Kantor, 2006.
[10] See National Energy Assistance Directors Association, Chart, 12/14/08, available at http://www.neada.org/news/2008-12-14-Winter_Heating_Costs.pdf
[11] Coalition on Human Needs, "Towards Shared Recovery: Essential Steps to Reverse a Long & Deep Recession," 12/8/08, posted at http://www.chn.org/pdf/2008/sharedrecovery103108.pdf
[12] C-SNAP, *Fuel for Our Future: Impacts of Energy Insecurity on Children's Health, Nutrition, and Learning*, September 2007, available at http://www.c-snap.org/upload/resource/fuel_for_our_future_9_18_07.pdf

II. Using Nutrition Programs to Soften the "Heat or Eat" Dilemma

One of the most disturbing aspects of life in this very wealthy country is the persistence of hunger. As noted above, USDA reported that in 2007, more than 36.2 million people lived in households considered to be food insecure. Of these 36.2 million persons, 23.8 million are adults (10.6 percent of all adults) and 12.4 million are children (16.9 percent of all children). The number of people in the worst-off households—with very low food security (USDA used to call this "food insecure with hunger") increased to 11.9 million from 10.8 million in 2005. This increase in the number of people in the worst-off category is consistent with other studies and the Census Bureau poverty data, which show worsening conditions for the poorest Americans.[13]

In this winter of 2008-2009, this analysis sets out some strategies to maximize the use of federal nutrition programs to help reduce hunger, mitigate the hardship of increasingly higher food costs, high energy and shelter costs, increased unemployment, and job insecurity. These programs are far from the only solution to the problem, but good decisions on how states and localities operate federal nutrition programs can help, for several reasons:

- Most of the nutrition programs, including the Supplemental Nutrition Assistance Program or "SNAP/Food Stamps" (SNAP is the new federal name for the Food Stamp Program), school lunch and breakfast, afterschool food, summer food and child care food are *entitlement* programs. This means participation can rise without necessitating further Congressional action. More low-income families can be brought in by community partners, advocates, state and local agencies, schools and social service agencies, increasing the families' overall resources.

- More states have the opportunity and technology available to improve access to these programs. Outreach is easier than ever due to internet-based screening and application tools, and states can work with community partners to screen and help sign up families for nutrition benefits that can cushion the effect of high heating and food costs.

- Federal nutrition programs not only directly address the food needs of local families; they also stimulate the local economy with federal dollars going to grocers and farmers. Every $5 in federal SNAP/Food Stamp benefits generates $9.20 spent in the local economy.

- Increasing participation in federal nutrition benefits often can leverage additional support. In some states, utility companies offer discounts such as low-income utility discounts to consumers who receive means-tested benefits like SNAP/Food Stamps. Receipt of SNAP/Food Stamps also enables states to bring in additional federal dollars, by targeting households for LIHEAP outreach and auto-enrolling low-income children in school lunch and breakfast programs without additional verifications.

These and other strategies for using the nutrition programs in ways that will help families through this winter are discussed in more detail below.

1. **Extend SNAP participation and increase benefits to low-wage working households with incomes below 200 percent of the federal poverty level.**

   States have a number of options to reach low-wage working households through higher gross income tests, elimination of asset tests, and aggressive implementation of allowable deductions. This can

[13] Hunger and Food Insecurity in the United States, FRAC State Statistics, available at: http://frac.org/html/hunger_in_the_us/hunger_index.html

help many more struggling families receive critical nutrition benefits—and many families to receive higher benefits – while freeing up income to meet shelter and other costs.

- **Use SNAP/Food Stamp "categorical eligibility" rules to reach more working families.** Under a state option allowed by federal SNAP/Food Stamp regulations, when states provide a TANF-funded (Temporary Assistance to Needy Families) cash or non-cash benefit to SNAP/Food Stamp applicants, they can leverage more favorable SNAP/Food Stamp financial eligibility rules. The option is known as expanded categorical eligibility.

  Categorical eligibility basically means that low-income households with gross income above 130 percent of the poverty level are not excluded from the program at the first pass. Under regular SNAP/Food Stamp financial rules, initial SNAP/Food Stamp eligibility is based on the household meeting the gross income test pegged at 130 percent of the federal poverty level (FPL). 7 CFR § 273.9(a)(1).[14] In addition, under regular rules, households are limited in the amount of countable resources they may have and still qualify for SNAP/Food Stamps (currently $2,000 for most households; $3,000 for households with elderly or disabled members). 7 CFR section 273.8(b). In using the regular gross income threshold and asset limits, states may be unwittingly excluding many needy working families from federal nutrition benefits, as well as limiting the number of households who can benefit from some of the positive changes in the 2008 Farm Bill, notably the uncapped child care deduction. By contrast, states that opt for expanded categorical eligibility can address barriers to SNAP/Food Stamp eligibility for many low-income families struggling with high expenses to meet basic needs.

  First, states which provide TANF-funded benefits to SNAP/Food Stamp applicants and recipients have the option to use *a higher gross income test* – up to 200 percent of the FPL – in calculating initial eligibility for SNAP/Food Stamp benefits. 7 CFR § 273.2(j)(2). Categorical eligibility turns on providing households with a TANF-funded benefit – which need not be a TANF cash grant. Many states have implemented the categorical eligibility option by providing TANF-funded child care, education/training resources or by providing TANF-funded resource brochures that include important information on energy and winter emergency services, domestic violence prevention and protection, pregnancy prevention services and other services. It is important to remember that the categorical eligibility option does not change the financial calculation of the SNAP/Food Stamp benefit amount. The household's net income (after allowable deductions for earned income, child care, child support payments, and shelter costs) is still evaluated in determining the household's SNAP/Food Stamp benefit amount.

  Second, states also can use the categorical eligibility route to *modify or eliminate the asset test* for most SNAP/Food Stamp households. 7 CFR § 273.2(j)(2)(v), (J)(4)(iii). Given the additional asset exclusions as a result of the 2008 Farm Bill, notably exclusion of retirement and pension accounts, there are fewer countable assets for most low-income households. While many states have found that SNAP/Food Stamp applicants rarely own countable assets, the task of verifying small or non-countable assets can be

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[14] Under regular SNAP financial rules, a household (without an elderly or disabled member) must first a gross income test pegged 130 percent of the federal poverty level. 7 CFR § 273.9(a)(1). For example, under the 130 percent gross income test typically used, a family with one working parent and two children is financially ineligible for SNAP if the household has more than $444 gross income each week ($11/hour at a 40 hour week). This is true even if household has high shelter costs and/or out-of-pocket child care expenses related to work. However, if the state elects the SNAP categorical eligibility option, it could provide SNAP to working families with gross income between 130 percent and 200 percent of the FPL. So, if the family of three above earns $444/week in pre-tax income and has high shelter costs – they can still receive $304 in monthly SNAP benefits. If they also pay $100 a week in child care, they can get $434 in monthly SNAP benefits. However, If the state uses the 130 percent FPL gross income test, they would receive *nothing* as their weekly gross income exceeds the threshold.

cumbersome and cause processing delays for both applicants and state agency staff. Through adoption of the categorical eligibility rules, states can eliminate all asset criteria for SNAP/Food Stamps.

States that have embraced broad categorical eligibility rules include Delaware, Maine, Maryland, Massachusetts, Michigan, Minnesota, New York, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Vermont, Wisconsin, and Washington, among others. California's categorical eligibility policy will be effective July 1, 2009. Categorical eligibility has allowed these states to simplify their SNAP/Food Stamp applications by eliminating asset questions, and reach more needy households. Many of these states extend categorical eligibility to all households, including elderly or disabled households and childless individuals as well as families with children.

- **Fully implement 2008 Farm Bill policy uncapping the dependent care deduction.** Section 4103 of the 2008 Farm Bill (Public Law 110-246, June 18, 2008) lifts the cap on the SNAP/Food Stamp deductible child/adult care expenses. As of October 1, 2008, states can both recalculate SNAP/Food Stamp benefits for existing households with higher child care costs, as well as reach more working households through outreach materials and expansive policy guidance to SNAP/Food Stamp staff. Prior to the important 2008 Farm Bill changes, state were allowed to deduct a maximum of $175 per month in child/adult care expenses, and a $200 maximum for children up to age two.

  USDA has strongly urged states to be "proactive" in notifying households of this change in order to maximize use of the child care expense deduction for working families. USDA has also confirmed that states need not seek verification of expenses unless questionable and confirmed that states can determine the scope of transportation costs associated with dependent care pending further guidance.[15] Some states have already issued guidance to SNAP/Food Stamp workers instructing recalculation of existing SNAP/Food Stamp benefits, and confirming a wide scope of allowable dependent care expenses. Massachusetts reminds its SNAP/Food Stamp staff that allowable expenses include not only typical payments for private pay child or adult day care, but also co-pay fees for subsidized care, fees for pre- and post school programs, summer and vacation camp fees, YMCA and Boys/Girls Club activities, and the costs of both private transportation at the federal mileage rate (see below) as well as public transportation to and from child care (for both parent and child).[16]

  Many working parents are reluctant to leave teen children unsupervised after school. Although subsidized child care funded through the Child Care and Development Fund or other sources may limit eligibility to children under age 12 or with special needs, neither Congress nor USDA has set an age limit for children relative to claiming dependent care expenses under SNAP/Food Stamps. States should remind SNAP/Food Stamp staff and applicants that travel, fees or other expenses incurred for teens in adult-supervised out-of-school or vacation activities are allowable dependent care expenses. And, of course, SNAP/Food Stamp staff should be reminded that the costs of caring for a disabled dependent child or adult so that a SNAP/Food Stamp member can work or attend training

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[15] USDA Food and Nutrition Service, "Questions and Answers on Certification Issues from the 2008 Farm Bill" and "Certification Issues in the 2008 Farm Bill" -
Memo #1 issued 7/31/08 http://www.fns.usda.gov/fsp/rules/Memo/08/073108.pdf
Memo #2 issued 8/29/08 http://www.fns.usda.gov/snap/rules/Memo/08/082908.pdf
Memo #3 issued 11/20/08 http://www.fns.usda.gov/fsp/rules/Memo/08/112008.pdf

[16] Massachusetts Department of Transitional Assistance, Field Operations Memo 2008-49, September 22, 2008 http://www.masslegalservices.org/docs/FO_2008-49.pdf

also are allowable toward the deduction. This is so whether or not the dependent is in the same SNAP/Food Stamp household.

A very important but less obvious advantage of claiming child care expenses is its potential to trigger a higher shelter deduction. *Why?* The formula for calculating a household's SNAP/Food Stamp shelter deduction is a factor of a preliminary net income calculation. which allows specific income deductions to arrive at a threshold amount *before* deducting allowable shelter costs.[17] If a SNAP/Food Stamp household can lower its preliminary net income by claiming higher dependent care costs, it can lower its preliminary net income threshold against half of which the household shelter costs are measured. This may enable the household to claim more shelter expenses.[18]

- **Use the federal mileage rate for determining dependent care and medical-related transportation**. The current federal mileage rate set by the General Services Administration is 55 cents per mile, as of January 2009.[19] This is the mileage rate is used by federal agencies, including USDA staff, for reimbursing employees for private vehicle travel expenses. A number of SNAP/Food Stamp state agencies, including Massachusetts, have agreed with advocates to use this rate in the calculation of transportation costs of SNAP/Food Stamp households with dependent care or medical related transportation, even though the state mileage reimbursement rates may be lower.

- **Adopt a reasonable standard business expense deduction for self-employed households.** The SNAP/Food Stamp regulations authorize states to use a standard business expense deduction off gross income in lieu of requiring households to document actual business expenses. The standard business expense rate can be based on the state's TANF program rules for treatment of earnings, or a standard amount approved by USDA. 7 CFR § 273.11(b)(3)(iv) and (v). The SNAP/Food Stamp household can then claim above the threshold if it can document actual expenses in excess.

  Increasingly many households have at-home businesses such as child care, selling products, repair services, or other self-employment ventures. The time involved in tracking monthly business expenses can be daunting for both families and SNAP/Food Stamp workers. Also, many home-based businesses involve costs that are hard to quantify and verify, such as increased energy bills to the home resulting from turning up the heat for an at-home child care business or other work done from home. A standard deduction from gross income allows states and households to simplify the deduction process and reduces possible quality control errors. California and Indiana allow a standard business expense deduction of 40 percent off gross self-employment income, and Oregon allows a 50 percent deduction off gross income.[20] It is important that households be able to claim actual business expenses if they exceed the standard amount

[17] There are four key steps in calculating the benefit amount: First - determine the gross monthly income and measure it against the appropriate gross income test for the household size. Second - calculate preliminary net income using the allowable deductions for earned income (20% from gross), dependent care, child support paid out and, for elderly or disabled households, the medical expense deduction. Third - determine the amount of *shelter costs that exceed 50 percent* of preliminary net income (the second step). Finally – subtract one-third of the remaining countable income from the maximum SNAP benefit amount to get the household's benefit amount.
[18] There is a cap on the amount of the shelter deduction for most households, but no cap on the amount for households with elderly or disabled members.
[19] The federal mileage rate is set and periodically adjusted by the General Services Administration. See www.gsa.gov and a detailed memo listing past and current rates at: http://perdiem.hqda.pentagon.mil/perdiem/faqpovpast.html
[20] California Department of Social Services, Food Stamp Manual regarding 40% standard deduction: http://www.dss.cahwnet.gov/getinfo/pdf/fsman6.pdf. See also Oregon Department of Human Services Manual allowing a 50% deduction: http://dhsmanuals.hr.state.or.us/EligManual/10CA-WG1.htm

2. **Maximize shelter deductions, including the utility deduction.**

SNAP/Food Stamp benefits for eligible households are generally higher when the household's net countable income after deductions is lower. In other words, a family of four with $1,000/month countable or "net" income gets more SNAP/Food Stamps than a family with $1,300 net income. Families with high shelter costs (including utility costs) can deduct some of those costs. Rising shelter costs often can be offset in part by higher SNAP/Food Stamp benefits. As a general rule of thumb, for every $3 less in countable income, SNAP/Food Stamp benefits increase by roughly $1 up to the maximum benefits allotment for the household. States should look for ways to maximize the shelter deduction through claiming all potential housing and utility costs, screening for new or excess heating or cooling charges, and looking closely at opportunities that may flow through the Low Income Home Energy Assistance Program (LIHEAP).

There are multiple steps in determining countable income for SNAP/Food Stamp benefits and calculating shelter costs.[21] It is critical that states and advocates get a firm understanding of the SNAP/Food Stamp math to realize the opportunities for increased benefits. As confusing as the calculation rules seem at times, states and advocates should be focused on one key principle: *Less countable income after all allowable deductions translates into more SNAP/Food Stamp benefits for the nation's needy households*.

There are a number of steps SNAP/Food Stamp state agencies can take to assure that households' shelter deductions are as large as possible:

- **Evaluate and adjust the standard utility allowances** (SUA) to a level sufficiently high to recognize the energy expenses incurred by low-income households. The SUA is a fixed dollar amount that each state develops to account for energy and utility costs incurred by households, instead of calculating SNAP/Food Stamps on fluctuating amounts. The SUA is based on the typical household energy costs in the state. States usually develop three SUA amounts, a higher heating/cooling SUA, a non-heating/cooling utility SUA (e.g. cooking gas, electricity), and a phone-only SUA. The appropriate SUA is then added to the rental or mortgage costs of each household, rather than verifying and calculating SNAP/Food Stamp benefits with fluctuating heat and utility costs. Federal SNAP/Food Stamp rules require states to update the SUA annually. 7 CFR § 273.9(d)(6)(iii)(B).

  States' SUAs are typically based on somewhat outdated cost estimates or just report an old amount without evaluating it carefully. This winter they should be based on *this winter's* estimates. If USDA does not provide the states with the federal government's regional projections, the state can get estimates by using the Consumer Price Index for All Urban Consumers (CPI-U) or another data source from local utilities that shows inflation in utility costs, and then adjust the SUA after USDA approval. 7 CFR §

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[21] As noted in footnote 17 above, there are four key steps in calculating the benefit amount: First - determine the gross monthly income and measure it against the appropriate gross income test for the household size. Second - calculate preliminary net income using the allowable deductions for earned income (20% from gross), dependent care, child support paid out and, for elderly or disabled households, the medical expense deduction. Third - determine the amount of *shelter costs that exceed 50 percent* of preliminary net income (the second step). Finally – subtract one-third of the remaining countable income from the maximum SNAP benefit amount to get the household's benefit amount.

Excess shelter expenses are generally limited to a deduction of $446 /month (current deduction as of October 1, 2008) unless the household has one or more elderly or disabled members. For example, if a family has net income of $1,000/month (after the earnings, standard and child care deductions), and they have rent and utilities of $800/month, the SNAP program would calculate that the household has $300 in "excess" shelter costs. (The math: half of the monthly net income of $1,000 is $500, subtract that amount from the $800 shelter costs to get the shelter deduction: $800 minus $500 = $300). The $300 excess shelter deduction is then deducted from the $1,000 net income, which means that the family's countable income to determine SNAP benefits is $700.

273.9(d)(6)(ii). States may also want to check the USDA Web site to compare their SUA values with those of geographically similar states.[22]

- **Carefully screen for unreported heating/cooling costs.** A household that incurs any heating or cooling costs is entitled to the higher heating/cooling SUA. 7 CFR § 273.9(d)(6)(iii)(C).The proper SUA should be applied to all the months of the certification period, even if the household incurs the expense on a seasonal basis. With fluctuating energy costs, anti-hunger advocates find that landlords are passing more utility costs on to tenants in addition to or in lieu of increasing the rent. Yet many low-income tenants may not realize that reporting these additional shelter costs could have a substantial impact on the amount of monthly SNAP/Food Stamp benefits, especially if the heating or cooling costs are passed on seasonally. For example, if a landlord charges a tenant for excess electricity in the summer months for use of an air conditioner, the tenant should still get the heating/cooling SUA added to the rental costs throughout his or her certification period.

  State SNAP/Food Stamp application and recertification forms should clearly ask households if they incur or expect to incur during the year *any* costs separate from rent for heating or cooling their homes or apartments. SNAP/Food Stamp workers should be instructed to use the heating/cooling SUA for the *entire* certification period regardless of which months the excess charges are incurred. States can also simplify their practices by presuming all homeowners are, by definition, responsible for their own heating/cooling costs and thus not require independent verification of this fact.

- **Carefully screen for past or anticipated receipt of LIHEAP.** A household that has received – or anticipates receipt – of LIHEAP benefits is also entitled to the higher heating/cooling SUA for *all* months of the certification period. 7 CFR § 273.9(d)(6)(iii)(C). The application and recertification forms should include questions that *clearly ask* the household about past or anticipated receipt of LIHEAP. This includes states whose LIHEAP plans allow for paying a portion of non-subsidized rental charges when heat is included in rent.

- **Create a special LIHEAP program for SNAP/Food Stamp recipients.** As noted above, receipt of LIHEAP entitles a SNAP/Food Stamp household to have its shelter costs calculated using the heating/cooling SUA. 7 CFR § 273.9(d)(6)(iii)(C). States like Maine, Massachusetts, New York, Rhode Island and Vermont have encouraged their state LIHEAP agencies to provide a nominal cash LIHEAP benefit (such as one dollar annually) directly to SNAP/Food Stamp households whose not otherwise calculated with the heating/cooling SUA in the shelter deduction.[23] This special LIHEAP benefit simplifies the shelter calculation and significantly increases SNAP/Food Stamp benefits for thousands of households. It also helps the LIHEAP agency meet its outreach obligations by targeting low-income households receiving SNAP/Food Stamps who may be unfamiliar with the regular LIHEAP benefits available.

  Advocates note that the majority of SNAP/Food Stamp households receiving this special LIHEAP payment tend to be eligible for the heating/cooling SUA – because they incur

[22] FNS survey of states standard utility allowances, effective October 1, 2008: http://www.fns.usda.gov/FSP/rules/Memo/SUAAlpha.htm

[23] Massachusetts guidance of November 2007 to state workers implementing initial Heat and Eat (H-EAT) program providing $1 LIHEAP benefits to food stamp households: DTA Field Operations Memo 2007-31, available at http://www.masslegalservices.org/docs/FO_2007-31.pdf; New York Governor Paterson Press Release, January 2, 2009, available at http://www.otda.state.ny.us/main/news/2009/2009-01-02.asp; Rhode Island Governor Carcieri press announcement, October 24, 2008, referencing $1 HEAP payment for food stamp households, available at http://www.ri.gov/press/view.php?id=7388

heating or cooling expenses separate from rent or apply for LIHEAP benefits – but do not know to report this to their SNAP/Food Stamp caseworker. This is especially common for households who incur cooling costs incurred in the summer months or file LIHEAP applications at agencies independent of the SNAP/Food Stamp office. Even if this information is reported, advocates report many SNAP/Food Stamp workers are too busy to record the information in the case record. By providing this special LIHEAP-funded benefit through an automated data exchange and direct mailing, states like Massachusetts have been able to apply the heating/cooling SUA to increase the SNAP/Food Stamp benefit for thousands of needy households. It has also helped the Massachusetts LIHEAP agency reach households not aware of the regular LIHEAP benefits.

- **Make sure that household rental expenses are up-to-date.** Recent rent increases, including those made in the last few months as leases were renewed and landlords anticipated higher utility costs, may not yet be reflected in SNAP/Food Stamp calculations. They should be. Even SNAP/Food Stamp households on semi-annual reporting can report a change in the middle of the reporting period and receive an adjustment of their SNAP/Food Stamp benefits.

- **Fully identify all home ownership costs for SNAP/Food Stamp households**. Seniors may have mortgage-free homes but nonetheless pay taxes, insurance, repairs, and water and sewer bills that add up on monthly and annual bases. All of these expenses are allowable as shelter costs, to which the heating/cooling standard utility allowance amount is added.

- **Negotiate an agreement to auto-enroll SNAP/Food Stamp recipients in utility discount programs**. In Massachusetts, and perhaps in other states, utility companies are required to provide discounts to individuals who receive means-tested public benefits like SNAP/Food Stamps. Massachusetts enrolls SNAP/Food Stamp households automatically in the utility discount programs by sending a data file of SNAP/Food Stamp recipients to the utility companies (electricity, gas, phone) serving the recipients' zip codes. The Massachusetts SNAP/Food Stamp application includes a release that applicants sign to authorize the state to notify local utility companies of their receipt of public benefits for this purpose. Because the client gives written permission as part of the SNAP/Food Stamp application, no additional steps need be taken for the client to get the discounts. However, if these data matches are done less frequently than monthly, the SNAP/Food Stamp agency should encourage new SNAP/Food Stamp recipients to send their utility companies proof of SNAP/Food Stamp receipt right away so that they can begin receiving the discounts as soon as possible. The discounts can be fairly steep and save the households significant amounts of money, as well as prevent large utility arrearages and shut-offs.

3. **<u>Make sure that SNAP/Food Stamp benefits are not being reduced based on receipt of LIHEAP or other payments that help families with utility costs.</u>**

Several forms of assistance that are used to help families cover heating costs are <u>not</u> countable as income in determining SNAP/Food Stamps eligibility or benefits. SNAP/Food Stamps cannot be reduced when a family gets LIHEAP benefits, such as payments toward high rent where heat is included in the rent. Other payments made by third parties are similarly excluded as countable income under SNAP/Food Stamps. State officials and advocates should make sure that agency policy and practice reflect these rules, both for existing recipients and for new applicants. Moreover, in encouraging states, localities and charities to make such payments that can help with heating costs, advocates and public officials can point out that the badly needed fuel and utility help will not lead to reductions in the value of federally funded SNAP/Food Stamp benefits.

Key forms of income or benefits for energy and shelter-related expenses that are non-countable sources under the federal SNAP/Food Stamp rules include:

- **Payments for fuel or energy bills**, such as through LIHEAP or for **weatherization** and/or emergency repairs to a heating or air conditioning unit. 7 CFR § 273.9 (c)(11).

- **In-kind benefits (free rent, free fuel) and vendor payments** made by persons outside the SNAP/Food Stamp household which are made directly to landlord or utility company. 7 CFR § 273.9 (c)(1) For example, if a relative, charitable organization or public agency pays the rent, heating or utility bills of a household directly to the landlord or vendor, the payments are not considered income and do not reduce the household's SNAP/Food Stamp benefits. This is true even if such expenses are paid by a third party on a regular basis.

- **TANF or general assistance payments for special or emergency needs** not included in normal TANF or general assistance checks, if paid to a third party on behalf of the household. 7 CFR § 273.9(c)(1)(i)(F). If during this winter a state, because of heating costs or otherwise, makes one-time only or other irregular TANF vendor payments to help with excessive or unusually high heating costs, it should be non-countable income for SNAP/Food Stamp purposes.

- **Money from private charities**, if it totals $300 or less in any three months. 7 CFR § 273.9(c)(12).

- **All loans**, including loans from private individuals or institutions. 7 CFR § 273.9(c)(4) If a household borrows money to make utility or rental payments, this would not be considered countable income.

- **Reimbursements or flat allowances for training-related expenses, including payments for transportation costs.** 7 CFR § 273.9(c)(5)(i)(A). Also excluded are payments made to participants in a SNAP/Food Stamp Education and Training (E&T) activity if related to participation.

- **Earned income tax refunds and specified economic stimulus rebates.** Earned income tax refunds are expressly excluded as countable, whether received as a lump sum or advance payments. 7 CFR § 273.9(c)(13). In addition, USDA specifically clarified in March of 2008 that the recent Economic Stimulus Rebates would not be countable as income, nor as a resource for the month of receipt and the following two months.[24]

- **Non-recurring lump sum payments.** This includes retroactive Social Security, Supplemental Security Income, Unemployment Insurance, insurance settlements, income tax refunds, and refunds of security deposits on rental property or utilities. 7 CFR § 273.9(c)(8). Although these lump sum payments cannot be considered income, they may be counted as assets in the month of receipt and the months thereafter if still available to the household. However, states that have elected broad categorical eligibility rules that include elimination of the asset test can counting these lump sum payments and take the opportunity to encourage a SNAP/Food Stamp household's financial steward of monies in ways that can both resolve outstanding debts and lead toward economic security.

[24] USDA Food and Nutrition Service, Memorandum, "Rebates from Economic Stimulus Act of 2008", March 4, 2008: http://www.fns.usda.gov/fsp/rules/Memo/08/030408.pdf

- **Business expenses and assets related to self-employment,** including the costs of heating and cooling working space at home, the cost of owning and driving a vehicle for work, a boat for fishing, farm machinery, taxis, and the cost of fuel to run machinery and more**.** 7 CFR § 273.9(c)(9)

4. <u>Increase outreach activities to enroll low-income households facing a long winter and food insecurity</u>.

How can public officials, advocates and others quickly reach more low-income people this winter and spring? There are many ways, but here are a few suggestions:

- **Outreach, outreach, outreach!** On radio and TV, including community cable stations. Through the internet. At libraries and senior centers. In utility bills. In letters sent home by school officials that promote SNAP/Food Stamps as well as school meals. At supermarkets and farmers' markets. At LIHEAP application sites. At Medicaid application offices, and in community health center waiting rooms. At child care resource and referral agencies. On public buses and trains. At community group meetings. At unemployment offices. And in hundreds of other ways.

  One form of outreach in a number of states is online applications that screen for eligibility for multiple programs at the same time (e.g., an application for LIHEAP or Medicaid is also treated as an application for SNAP/Food Stamps, and vice versa, unless the household elects otherwise or indicates it is already receiving these other benefits). Once filed, the household may be eligible for a phone interview, and never have to go to the local office.

  While a huge convenience for many households, the technology challenges of online and phone interviews should be carefully evaluated by states and advocates to ensure target populations are successfully reached, while also maintaining traditional methods for populations less comfortable with this technology.[25] For example, the federal SNAP/Food Stamp law requires states to allow a household to file an "incomplete" application with only the applicant's name, address, and signature, 7 CFR § 273.2(c)(1). The rest of the information for the application can be provided at a later date or during the interview. This federal requirement also applies to online applications and should not be compromised by IT programming staff.[26] One key advantage to a family signing and filing a basic application even if they do not have all of the information required is that this establishes a start date if benefits are approved and requires states to provide federal SNAP/Food Stamp benefits back to the date of the signed application.

  Filing a basic application also triggers additional steps the state must follow to complete the application and protect the SNAP/Food Stamp applicant's rights, such as scheduling an interview, notifying the applicant of proofs needed and sending an approval/denial of the disposition of the application which the household can challenge if they disagree. Paper and online SNAP/Food Stamp applications need not be detailed or cumbersome in order for agencies to assist households with the first step of the process.

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[25] For an extensive analysis of options and practices to address access barriers by practice and target populations, see FRAC's February 2008 report by Emerson Hunger Fellow, Nick Mayrns, *Access and Access Barriers to Getting Food Stamps: A Review of the Literature*, available at http://www.frac.org/Access_Barriers_Food_StampsFEB2008.htm

[26] USDA Food and Nutrition Service, Memorandum, "On-line Food Stamp Program Applications", October 16, 2006, available at http://www.fns.usda.gov/fsp/rules/Memo/06/101606.pdf

States also can design different applications for different populations. For example, some states have designed special shorter applications for seniors less comfortable with the internet or with longer paper applications.[27] Whatever simplified routes are made available to apply for SNAP/Food Stamps, it is critical that households understand that a simplified application this is *just the first step in the process* and that additional steps – more household information, verifications and an interview with a SNAP/Food Stamp worker – will be required. At the same time, state agencies should keep in mind that often much of the information needed to process a SNAP/Food Stamp application may be available in existing data bases (for example, State Data Exchange) or already has been gathered for other programs with which an applicant has interacted.

- **Outreach by identifying underserved households through state data sharing**. Many states have the ability to identify low-income households receiving other needs based benefits – such as LIHEAP, subsidized child care, public housing, and Medicaid – but not SNAP/Food Stamps, WIC or school meals. States can take a number of steps to determine general underserved populations or target efforts to specific households identified through data matches. For example, the New York City Council recently pushed for and coordinated data match of two million Medicaid recipients with its SNAP/Food Stamp caseload and found that 30 percent (roughly 600,000) were not receiving SNAP/Food Stamps.[28] The New York City Human Resources Administration then sent letters to these individuals with information about the Food Stamp Program and where to apply.

  Advocates in Massachusetts and other states are exploring whether applicants who tele-file or internet apply for Unemployment Insurance (UI) can file applications for SNAP/Food Stamps at the same time that they file their UI claims. Massachusetts advocates have found that recently unemployed individuals are the <u>least</u> likely to be receiving SNAP/Food Stamps but, especially if they have dependents, are the <u>most</u> likely to qualify for substantial benefits. Advocates are exploring an option in the UI tele-claim filing process that would include some additional questions to trigger a SNAP/Food Stamp application and allow the SNAP/Food Stamp agency to follow up.

  If a particular data match cannot identify specific households without prior recipient consent, a state may nonetheless use the match to determine demographic information of unserved populations (such as the number and characteristics of Medicaid households not receiving SNAP/Food Stamps). This demographic information can help the state design targeted outreach efforts for specific populations and/or for geographic areas of the state where language or transportation barriers are an issue.

  More precise data matching presents boundless opportunities for outreach and direct contact with clients. For example, if the state knows a Medicaid recipient is not receiving SNAP/Food Stamps, it can send a letter with a SNAP/Food Stamp application, ideally pre-populated with relevant household and financial information from the Medicaid case record. The state also can tag the Medicaid case file so that the next time it is under review, the Medicaid worker or managed care provider is required to screen the household to find out if they would like to apply for SNAP/Food Stamps and can possibly ship copies of verifications and other relevant case data to the SNAP/Food Stamp office or worker.

- **Extend the business hours and/or out-stationed locations of SNAP/Food Stamp staff** so that working households can apply early in the morning, later in the evening, on weekends, and/or closer to their work places and child care sites. If there are prohibitive

[27] Massachusetts has created a two page application for seniors after adopting a more expansive categorical eligibility policy that eliminates the asset test for most households. See http://www.masslegalservices.org/docs/FO-2008-38-Form.pdf
[28] See http://council.nyc.gov/html/releases/054_061608_FSDataMatch.html

administrative costs to extending hours in some local SNAP/Food Stamp offices due to fuel and security costs, states can explore out-stationing intake and interview staff on a regular basis at key locations like employment assistance offices and health care centers. Some of these alternate locations may already have extended hours of business or be interested in extending them for the needs of their clientele, which would make them ideal for co-locating SNAP/Food Stamp staff to take applications and proofs and conduct interviews. Other states are developing extended hour call centers staffed with state workers who can assist clients by phone and internet.

- **Reduce time, child care problems, and travel costs by reducing unnecessary visits to SNAP/Food Stamp offices.** At the same time that families are confronting growing shelter and food costs, they also must cope with growing travel costs and the expense of taking time off from work or school to attend interviews. States can take a number of steps to reduce these trips, such as:

    - Reduce face-to-face interviews for households with travel hardships – households that work, are elderly or disabled or have transportation or child care barriers. States can offer phone interviews for these households. Some states have received FNS waivers allowing them to waive all face-to-face interviews. Although FNS has instructed states that an interview is required for all applications, FNS guidance has also clarified criteria that may help states seeking waivers of the face-to-face interview requirement.[29]
    - Lengthen certification periods. Under current rules, states can set SNAP/Food Stamp certification periods at 24 months for elderly or disabled households and 12 months for all other households.
    - Allow households to report changes through simplified reporting (semi-annual reporting) and by mailing verifications versus dropping them off in-person. Section 4105 of the 2008 Farm Bill may provoke renewed interest in simplified reporting as it allows states to include previously excluded households, notably elders and persons with disabilities.
    - Eliminate unnecessary verification and streamline the verification requests to reduce burdens for caseworkers and families, including the number of trips families make to SNAP/Food Stamp offices.
    - Help keep households from being disconnected from SNAP/Food Stamp at recertification. Request a waiver to enable households who are terminated at recertification to be reinstated without filing a new application.[30]

5. Ensure households are screened for and receive expedited SNAP/Food Stamp benefits.

Federal SNAP/Food Stamp program rules require states to screen households in a timely manner for eligibility for expedited benefits, which must be provided within seven days of application to those who qualify. 7 CFR § 273.2(i)(1).

- **Provide a sufficient number of trained staff in all SNAP/Food Stamp offices and outposts who can screen all SNAP/Food Stamp applicants for expedited benefits**, including those who apply through the internet or by mail and are unable to come into the local office for face-to-face contact. It is especially important that states

[29] USDA Food and Nutrition Service, Memorandum, "Face to Face Interview Waiver Criteria", August 24, 2007: http://www.fns.usda.gov/fsp/rules/Memo/07/082407.pdf
[30] See USDA Food and Nutrition Service Memorandum, "SNAP Certification Policies to Support Work Load Management," January 9, 2009, available at http://www.fns.usda.gov/snap/rules/Memo/09/010909.pdf See also extensive FNS Guidance in Farm Bill 2008 memorandums, links included in footnote 15.

with online SNAP/Food Stamp applications ensure an opportunity for the user to be screened for and receive expedited benefits if eligible. Expedited SNAP/Food Stamp benefits should not be compromised by technological advances or barriers.

- **Review EBT vendor contracts to ensure expedited eligible SNAP/Food Stamp households receive their cards and PINs in a timely manner.** Some states like Massachusetts have arrangements with their EBT vendor to mail SNAP/Food Stamp cards and a PIN (each mailed separately) immediately upon receipt of a data file of SNAP/Food Stamp applicants who have verified identity and who appear to meet the expedited criteria – regardless of whether the state agency has calculated any benefit amount. The household should be advised that an EBT card may arrive in the mail with zero benefits and, if eligible for expedited, the benefits will appear by day seven. The SNAP/Food Stamp client should be able to contact the worker or a toll-free number to check on the status of their EBT account before they go shopping.

6. Help doubled-up households maximize SNAP/Food Stamp benefits.

An eligibility cornerstone of SNAP/Food Stamps is the "household composition" rule – to wit, persons who customarily purchase and prepare food together for home consumption are considered part of the same SNAP/Food Stamp household. 7 CFR § 273.1(a)(2). Under the SNAP/Food Stamp rules, individuals who live under the same roof will have their income, household expenses and benefit amounts determined *as a group* if they also purchase and prepare most of their food collectively. Certainly, there are economies of scale in bulk purchase and collective preparation of common food.

Increasingly many low-income households are sharing living quarters due to increased fuel and rental costs and/or extended unemployment. Home owners and tenants alike are finding themselves doubled up after losing homes due to bank foreclosures. Elders unable to maintain their own homes or afford retirement communities are moving in with their adult children. And many adult children a few years out of college find themselves moving back home with their parents.[31] While many of these individuals and families can survive with savings or family financial help, others may now find themselves with few financial alternatives. From a food and nutrition standpoint, many Americans in doubled-up situations may purchase and prepare their daily food separately from others – even though they live at the same residence. Separate food consumption practices may be due to work or school commitments as well as special or restricted diets or cultural differences in food requirements. These individuals, or doubled up families, may share a few common meals, and likely share the same refrigerator and stove. But they may often segregate and use their own funds to purchase food and prepare it separately at home.

It is important for states and advocates to remember: *sharing a roof does not automatically mean sharing a plate of food.* The rules directing mandatory inclusion in a SNAP/Food Stamp household applies to married spouses, children under age 22 living with parents and children under 18 living with related or unrelated adult caretakers. 7 CFR 273.1(b)(1). Other individuals or families who fall outside the mandatory inclusion rules can seek SNAP/Food Stamp benefits separately as long as the bulk of food for daily meals is purchased and prepared separately from each other.

Being a separate SNAP/Food Stamp household is advantageous because each household gets the full allowable income deductions based on expenses, and the value of a separate allotment is often higher than the incremental amount for an additional household member in a combined SNAP/Food

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[31] See "The Boomerang Kids, struggling to make ends meet, adults moving back in with their folks," Boston Globe, January 13, 2009, available at http://www.boston.com/lifestyle/family/articles/2009/01/13/the_boomerang_kids / and "More Parents Move in with Kids." USA Today, September 23, 2008, available at http://www.usatoday.com/news/nation/census/2008-09-23-census-moms_N.htm

Stamp application. It also means that if a roommate or apartment mate does not wish to receive SNAP/Food Stamp, share personal information on income or comply with work registration, the persons who need benefits are not harmed by having to include that individual in the SNAP/Food Stamp household.

Here are steps that states can take to maximize SNAP/Food Stamp benefits:

- **Clarify household "purchase and prepare" requirements**. States should provide staff and low-income applicants clear examples of how the SNAP/Food Stamp household purchase and prepare requirements work for groups of individuals who live under the same roof. SNAP/Food Stamp staff should be instructed to *not* presume applicants who share living space necessarily purchase and prepare the bulk of their food with their housemates. One helpful reference to incorporate into instructions is the "majority of meals" threshold which is used to determine if an individual is ineligible as institutionalized based on receipt of "over 50 percent of three meals daily" from the institution. 7 CFR § 273.1(b)(7)(vi). A similar standard could be used by SNAP/Food Stamp workers in determining whether doubled-up households should be combined or separate SNAP/Food Stamp assistance units, especially since most applicants for SNAP/Food Stamp benefits do not understand the nuances of the household composition rules.

- **Explore separate household status for severely disabled household members**. There are two options that permit persons with disabilities to receive separate SNAP/Food Stamp benefits, even if they are not able to buy and prepare their own food.

  First, persons who are both elderly (age 60+) *and* disabled may qualify for separate household status, even though the food they consume is purchased and prepared collectively with others with whom they live. This option is allowed provided that the income of the persons who live with the elderly or disabled individual is less than 165 percent of the federal poverty level. 7 CFR § 273.1(b)(2). The SNAP/Food Stamp benefits received can contribute to the common food purchases of all individuals living together. The challenge of this rule is that it requires the cooperation of the other household members in providing income information.

  Second, USDA has clarified that individuals with severe disabilities, regardless of age, may also qualify for separate SNAP/Food Stamps even if they cannot food shop and prepare their own food. This policy applies as long as the majority of food consumed by the disabled individual is purchased with the individual's own funds and prepared separate from others a majority of the time.[32] This clarification is especially important for individuals with disabilities who need assistance with food purchase and preparation but who do not consume the same food as the individuals who live with and assist them. This is often true for persons with disabilities who have special diets or different eating schedules from their caregivers. There are two advantages of this guidance: First, it allows persons *under age 60* with disabilities to have separate household status from relatives or live-in caregivers. Second, it does not require the relative or live caregiver to divulge personal income information to the SNAP/Food Stamp worker unless he or she independently wishes to apply for SNAP/Food Stamps.

[32] USDA Food and Nutrition Service, Memorandum re "Separate Household Status for Disabled Persons:, June 12, 2006, available at http://www.fns.usda.gov/fsp/rules/Memo/06/061206.pdf

7. <u>Increase benefits for elders and persons with disabilities</u>.

In addition to shortened applications targeted to seniors and persons with disabilities, states can implement certain policies and pursue federal waivers to ensure these households get the maximum possible benefits. With so many seniors and persons with disabilities juggling both medical costs and special diets in addition to shelter, SNAP/Food Stamp benefits become increasingly critical.

- **Adopt a standard medical deduction that allows households with elderly or disabled members to claim medical expenses more easily**. SNAP/Food Stamp rules allow elderly and disabled recipients to deduct medical expenses in excess of $35 per month. 7 CFR 273.9(d)(3). A number of states, including Massachusetts and New Hampshire, have received FNS waivers that allow such households to receive a flat medical deduction, relieving the household of having to document detailed medical expenses. This standard deduction saves both SNAP/Food Stamp workers and households the time and energy required to collect proofs of fluctuating medical expenses, and it reduces a state's potential for quality control errors due to erroneous calculations. Massachusetts' waiver allows for a standard $90 deduction if the household has medical expenses between $35 and $125/month, but allows a household to claim *actual* expenses if the household can verify that medical expenses exceed $125/month, which is important for persons who have significant, ongoing expenses.[33]

  Even in states where Medicaid coverage is broad, many elderly and disabled persons still pay privately for over-the-counter medications, vitamins, ointments, hearing aid batteries, incontinence supplies, prescribed herbal remedies and more. And, noted below, transportation to and from medical appointments, pharmacies and supply houses is an allowable expense and can certainly add up to a meaningful deduction. Further, similar to the dependent care deduction, claiming medical expenses can also lower the preliminary adjusted net income used as a threshold (at 50 percent) in determining the amount of the shelter deduction, and thus potentially increase the household's deductible shelter expenses. Under the SNAP/Food Stamp rules, elderly or disabled households may claim the full amount of their shelter expenses above 50 percent of the preliminary net income, unlike other households who may claim shelter expenses only up to the maximum cap, currently a $446 deduction per month.

- **Use the federal mileage rate for medically related transportation and count all medical-related trips**. As noted in the dependent care section, states can use the federal GSA guidelines to calculate mileage. The rate is currently 55 cents per mile as of January 2009, which is much higher than many state government mileage rates.

  The state's medical expense policy can be expansive and include not only travel to typical medical appointments with doctors and clinics, but also travel to physical and occupational therapy, to alternative therapies by licensed practitioners, <u>and</u> travel to pick up drugs or health supplies at pharmacies or medical supply businesses. As long as the travel is related to medical need, there should be no restriction on claiming it. Many SNAP/Food Stamp households may not realize that regular trips to the pharmacy are countable as deductions and, with the price of gas fluctuating, this deduction at the federal mileage rate can really add up. A household can prove the trip to the pharmacy or medical office by keeping receipts of purchases, and the caseworker could use MapQuest or other mileage system to calculate door-to-door mileage. State agencies and

[33] See Massachusetts guidance to SNAP staff, Field Operations Memo 2008-15, March 21, 2008, available at http://www.masslegalservices.org/docs/FO_2008-15.pdf

advocates also should consider creating a checklist for everything that can count to provide to SNAP/Food Stamp staff, recipients and community agencies which work with seniors and persons with disabilities.

- **Screen for household members turning age 60 and those who have a disability**. States should properly screen and code SNAP/Food Stamp cases that contain an elderly (60+) or disabled member. Many households do not realize that the shelter deduction is uncapped and medical expenses count starting the month a member turns age 60 or is determined disabled. Further, if the 60th birthday or a disability determination happens during a certification period, the household should receive an adjustment of benefits if it has additional expenses. Ideally the state agency's computer system should be programmed to track significant birthdates (e.g., turning age 60) as well as SSA and state-based disability determinations that occur during the certification period, and then make adjustments in the SNAP/Food Stamp calculations based on this information. This is worth checking and flagging as an improvement for systems upgrades or enhancements in states where not automated.

  With respect to disabled household members, the federal SNAP/Food Stamp regulations allow a determination of disability if a household member receives Supplemental Security Income (SSI), Social Security, disability-based Medicaid, Veterans Administration pension and compensation based on a finding of "total disability," Railroad Retirement, a public disability retirement pension *or a state general assistance (GA) benefit* based on disability. 7 CFR § 271.2. The state-funded general assistance benefit must be based on disability determination criteria are "as stringent as" the SSI standard.[34]

  Many households include persons with disabilities who are awaiting an SSI determination or who simply are not eligible for SSI for reasons unrelated to the severity of their disability (for example, due to the narrow non-citizen eligibility requirements for SSI, or who are financially ineligible for SSI because of spousal income or assets). State agencies that administer GA programs could explore creating a special category of benefits specifically targeted for individuals whose disabilities meet the SSI disability threshold and allow the individual to certify the disability based on a statement from the treating physician.

  If the individual receives a disability-based GA benefit, the state can calculate the SNAP/Food Stamp benefits using an un-capped shelter deduction for these households. Such a policy could specifically help severely disabled legal permanent resident adults who are otherwise subject to the five-year bar for SNAP/Food Stamp but could jump the bar if receiving a disability-based benefit. 8 USCA 1612(a)(2). This can be especially important for legal permanent resident over age 65 who, in many states, need not prove disability for GA eligibility purposes but who are nonetheless severely disabled yet subject to the five-year SNAP/Food Stamp bar.

- **Explore separate household status for severely disabled household members.** As noted in the "doubled-up household" section above, the state can issue clear guidance that enables SNAP/Food Stamp workers to advise persons with disabilities of their options to qualify for separate SNAP/Food Stamp status.

[34] See David Super's See Super, David. The Rights of the Disabled in the Food Stamp Program. *Clearinghouse Review*, June 1991.

8. <u>Improve child nutrition programs to help as well</u>.

There is less opportunity for child nutrition programs to respond directly to the energy cost problem, but there are some strategies that should be applied by schools and other child-serving institutions.

<u>Do no harm</u>. When energy prices rise, numerous school districts around the country take steps like shifting to a four-day-a-week schedule in order to hold down gasoline costs (e.g., by having to run school buses only four days a week) and hold down heating costs. A recent FRAC survey found that eight out of 30 states reported school districts have either implemented a four-day week or were considering implementing one. This type of schedule creates serious challenges for low-income families. Over the years, mayors and others have told FRAC how important school meals and child care food are to struggling families. Sometimes local officials describe how exceptionally important Friday meals are (because they know so many children are going home to mostly empty cupboards for the weekend), and Monday meals are (because children come in famished on Monday). This winter, many low-income children will have even less food available at home. Going from five days to four-day school schedules is not good for children. Even aside from educational harm that may occur, parents working at low wages will suddenly face mounting child care as well as food costs, or will be leaving children home alone with little food or heat.

School officials, public officials and anti-poverty groups must guard against schools cutting costs (or generating revenue) in ways that negatively affect their students' health and well-being. Even if schools concentrate academic studies into four days, they must not limit children's access to care while parents work, and to school breakfast and lunch. Similarly, schools must not reduce afterschool services or drive children away from afterschool programs, which are a crucial support for working families. Quality afterschool programs engage students in educational and enrichment activities that improve their test scores, attendance, and behavior. The programs also keep children from engaging in risky behaviors. Afterschool snacks and, in some cases, suppers are an important part of any afterschool program.

Instead, schools and other providers should strive to feed <u>more</u> children <u>more</u> meals, especially in the current economic decline, in order to ease the recession-created problems on top of the heat or eat crunch families face.

Among the steps they can take are:

- Working to expand participation in both school lunch and breakfast, so family resources can be used elsewhere. Only about 45 low-income children eat school breakfast for every 100 who eat lunch. Schools can increase participation by conducting outreach, adjusting bus schedules, serving breakfast in the classroom, and a range of other steps. A universal classroom breakfast program (serving breakfast at no charge to all children in the classroom rather than in the cafeteria) is a very effective strategy for schools with large percentages of free and reduced-price eligible students, which usually can provide free breakfast to all and cover their costs. Lunch participation is also too low, as some children are lured away by competitive food vendors in school cafeterias and (for older children) in neighborhoods near schools. Children's nutrition will improve, as will their family finances, if efforts are made to get them into school lunch and breakfast programs. One strategy is for a school or district to reduce or eliminate (as allowed by federal rules) the 40 cent charge for lunch and 30 cent charge for breakfast applied to near-poor children (the "reduced-price" meal charge), a seemingly modest amount that is sometimes an insurmountable barrier for families and is particularly a problem this winter when heating costs rise.

- Assuring that school districts follow federal school meals income rules (e.g. not counting LIHEAP income; giving categorical eligibility to children receiving TANF) and aggressively implement "direct certification" (i.e. not require separate applications) for free school meals for those children who are receiving food stamps. States also can improve their certification processes by conducting data matching at the state level with frequent updates and easy access by local school districts.

- Providing suppers at afterschool programs. Eight states – Delaware, Illinois, Michigan, Missouri, New York, Oregon, Pennsylvania, and West Virginia – are included in a special Congressionally-created afterschool meal program that provides federal funding for afterschool suppers served to children age 18 and younger in low-income areas. In other states, however, afterschool programs can be reimbursed for providing afterschool suppers, albeit only to children younger than 13. Serving a supper ensures that the children receive a nutritious evening meal and helps reduce the families' food expenses. Too often states and afterschool providers are not paying enough attention to this opportunity—it is a vastly underutilized resource to help children, families, and the afterschool programs that serve them.

- In family child care, where federal Child and Adult Care Food Program (CACFP) dollars are critical to feeding children and keeping many child care providers afloat, states should work to get CACFP benefits on behalf of more children and to more providers (centers and family child care homes alike) in order to help them get through a winter in which staggering heating and food bills will threaten their availability. States can take three steps to help assure that family child care providers continue to receive the assistance they need: 1) encourage state child care and licensing agencies to coordinate with the state CACFP agency on outreach and other activities to assure that providers getting some state or federal dollars to provide subsidized child care also get CACFP dollars; 2) maximize the federal CACFP administrative dollars to fully staff the state CACFP agency; and 3) maintain CACFP advance payments were available.

Conclusion

Helping vulnerable families afford both to "heat and eat" is too important to leave potential federal assistance dollars for them on the table in Washington, D.C. The strategies outlined in this report can result in access to nutritious food during a period when more and more families are struggling to make ends meet.

We welcome feedback on how these and other approaches are working in your states and communities.