

**Who can get Food Stamps in Florida**  
*(and how to get them)*

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## **PURPOSE**

- Help low-income persons buy nutritious food
  - The amount of Food Stamps one gets is based on what the government thinks a family of a particular size must spend on food to prepare low cost, healthy meals (called “thrifty food plan”)
  - Food Stamps are usually only part of a family’s food budget
  - Can use Food Stamps to buy any food
    - Not things like alcohol, pet food or hot food from the store deli
    - Not things like soap, toothpaste or toilet paper
  - Can use Food Stamps to buy seeds and plants to grow own food

## ***USING FOOD STAMPS***

- Electronic Benefit Transfer (EBT) cards
  - Food Stamps aren't "stamps" (or coupons) any more!
    - C Now, people get Food Stamps electronically by using a plastic card with a magnetic strip (like a credit card) at grocery store.
      - Run EBT card through a POS machine at the store and enter personal identification number
      - The amount of Food Stamps left is tracked electronically through this card
      - If family gets cash assistance, that money will be accessible through EBT card, too
      - If EBT card not used for 90 days, it will become "dormant"
        - C have to call worker to be able to use the card again
        - C worker will re-activate EBT card
      - If Food Stamp benefits not used within 12 months, they are lost

## ***HOUSEHOLD CONCEPT***

- Household concept
  - Food Stamps are given to “households”
    - A “household” is someone living alone or a group of people who live together and who usually buy food and prepare meals together
  - If individual is in a “household” with another person, both have to apply for food stamps together
    - Exception is persons who are elderly (60 years or older), disabled and have income at or below 165% of poverty
      - They can apply separately
  - Family relationship rules
    - Most husbands and wives must be one household
    - Children under 22 living with their parents must be one household
    - Children under 18 under the parental control of an adult in the home must be in one household

## ***WORK - REQUIREMENTS***

- Able bodied adult three-month time limit
  - In many places, persons between 18 and 50 who have no children and aren't disabled may only be able to get Food Stamps for 3 months every 3 years
    - Exceptions: the 3 month time limit doesn't apply if:
      - working
      - in an employment and training program for at least 20 hours a week
      - in a “workfare” program
  - **This 3-month time limit doesn't apply in Miami nor in the state of Florida anymore because the state obtained waivers from the federal government due generally to high unemployment rate. However, the decision to request the waiver is made by the state on a year-by-year basis and could change.**
  
- Work registration/employment and training program (E & T)
  - Everyone who is not “exempt” must “register” for work and be in an employment and training program

## ***WORK - EXEMPTIONS***

- Exemptions from work
  - Under 16 years old
  - Age 16 or 17 and not the head of the household
  - Age 16 or 17, in school or work/training program at least half time
  - Age 60 or older
  - Having physical or mental problem that keeps person from working
  - Already working at least 30 hours per week
  - Making at least \$154.50 per week (gross) at a job
  - Migrant/seasonal farm worker under contract to work in 30 days
  - Taking care of a child under 6 years of age
  - Taking care of an adult who can't take care of him/herself
  - Signed up and complying with a temporary cash assistance work program
  - Going regularly to drug addiction or alcoholic treatment program
  - Getting unemployment compensation (UC)
  - Registered for work in order to get UC
  - Students enrolled at least half-time in any school, training program or college
  - Applicants who have applied for Supplemental Security Income (SSI) or Social Security Disability (SSDI) and the Social Security Administration hasn't yet said whether or not eligible for these

## ***WORK - QUITTING***

- Can not quit a job without a good reason (“good cause”)
  - Penalty if quit a job or reduce the number of hours of work without a good reason.
  - Penalty does not apply if:
    - \* self-employed
    - \* left job after boss demanded resignation
    - \* meet a Food Stamp E & T exemption (except for the exemption for working at least 30 hours a week)
    - \* quit job for another job that is at least comparable in hours and pay but then laid off
    - \* on temporary leave from job under the Family and Medical Leave Act (FMLA), which allows up to 12 weeks unpaid leave for family and medical emergencies

## ***WORK - QUITTING ETC.***

- Good reasons (“good cause”) for quitting your job include:
  - Discrimination because of age, race, sex, color, handicap, religion, national origin, political beliefs, or marital status
  - Work demands or conditions are unreasonable (like not being paid on time)
  - Head of household leaves job to go to school (including college) or training at least half-time
  - Head of household takes another job that requires attendance at school or training at least half-time.
  - Any household member enrolls in school (including college) or training at least half-time in another county, which requires that the household move and the head of household to resign employment
  - Early retirement (employer must recognize the resignation as retirement)
  - Leaving for a job with hours of at least 30 hours a week or in which weekly earnings are at least equal to the federal minimum wage x 30 even if later circumstances beyond control cause the job not to materialize or to result in employment at less than 30 hours a week or less than the federal minimum wage x 30 (federal law uses 20 hours instead of 30 hours)
  - leaving a job with a pattern of employment in which workers frequently move from one employer to another (such as migrant farm labor or construction work)
- Verification will be required if the information about the quit or reduction in hours is “questionable”
  - Sources of verification can include: previous employer, employee associations, union representatives, grievance committees and organizations
  - If circumstances cannot be verified (i.e, discrimination or unreasonable demands), Food Stamps must not be denied

## ***WORK - QUIT PENALTIES AND CURES***

- Penalties for quitting job
  - Penalties are the same as for any noncompliance with Food Stamp work requirements
  - Curing “quit” penalty
    - Get a job comparable in salary or hours to the one quit
    - Increase work hours to 30 or more per week
    - Non-compliant person becomes exempt
    - Non-compliant person leaves household

## ***WORK - NONCOMPLIANCE PENALTIES***

- Penalties for noncompliance with work (whether getting cash assistance or not)
  - First time:
    - **Head of household** is noncompliant: entire family ineligible for 1 month but can reapply after that
      - Head of household ineligible for at least one month and continues to be ineligible after that until compliant
    - **Non-head of household is noncompliant:** noncompliant person ineligible for 1 month or until they comply, whichever is longer
  - Second time:
    - **Head of household** is noncompliant: entire family ineligible for at least 3 months but can reapply after that
      - Head of household is ineligible for at least 3 months and continues to be ineligible after that until compliant
    - **Non-head of household is noncompliant:** noncompliant person is ineligible for 3 months or until they comply, whichever is longer
  - Third and subsequent times:
    - **Head of household** is noncompliant: entire family ineligible for at least 6 months but can reapply after that
      - The head of household is ineligible for at least 6 months and will continue to be ineligible after that until compliant
    - **Non-head of household is noncompliant:** the noncompliant person is ineligible for 6 months or until they comply, whichever is longer
- Persons getting cash assistance will also lose cash assistance (according to cash assistance penalty rules)
  - AND do not get extra food stamps to make up for loss of cash NOR extra cash to make up for loss of food stamps

## Work - Hypothetical

Cara Simpson is the single parent of a 5 year old daughter. Cara recently quit her construction job after an argument with her boss. They got into the argument because her boss wanted her to work without the protective gear she is supposed to wear when she tears down walls that have high levels of lead paint. During the argument, Cara's boss told her that, if she didn't resign, she'd be fired. So she resigned. Now that Cara isn't working, she applied for Food Stamps. Cara told her worker about what happened with her job. Cara's worker told her that she is not eligible for Food Stamps because she quit.

Is Cara eligible for Food Stamps?

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## Work Hypothetical - Answer

Cara is eligible for Food Stamps even though she quit her job because:

- the only reason she quit is her boss demanded she resign
- a good reason for quitting a job is when the work demands are unreasonable
  - and she can't be penalized for failing to verify the unreasonable demands
    - although it is probably a good idea for her to at least try to get verification
- she meets the requirements for exemption from a penalty because she is taking care of a child under 6

## *APPLYING FOR FOOD STAMPS*

- Written application required
  - Application called “Request for Assistance” (RFA)
  - Any adult in household or authorized representative for household can apply for the family
  - The date of application is critical
    - If eligible, get Food Stamps back to the date of application
    - The sooner application turned-in, the more Food Stamps
    - **To apply, just fill in name, address and sign, date the form**
  - Can get an application and apply in-person at DCF office on the same day
    - Call DCF’s toll-free number at 1-800-342-9274 for statewide information on where to go to apply (in Miami, call 305-377-7221 for information about the service center that serves each zip code)
  - Can submit application by facsimile (fax)
    - Applications received by fax after normal business hours (8 - 5) will be date-stamped on the first following business day
    - The faxed application must include name, signature
  - Can get an application by mail and apply by mail
    - To get application mailed, call DCF
    - Either fax it, mail it back or return it in person
    - Eventually, have to see worker for interview as part of application process
  - Can download an application over the Internet. Then either fax it, mail it back or return it in person. The link is:  
**[http://www5.myflorida.com/cf\\_web/myflorida/healthfamily/onlineforms/economicservices/rfa.pdf](http://www5.myflorida.com/cf_web/myflorida/healthfamily/onlineforms/economicservices/rfa.pdf)**
    - No carbon copy if download RFA from Internet, however
    - So be sure to make a copy or ask worker to make copy
  - Applicants for SSI at the Social Security Administration can also apply for Food Stamps at the same time

## *APPLYING FOR FOOD STAMPS - THE INTERVIEW*

- The interview
  - Worker interviews applicant or authorized representative as part of the application process (an interview is when the worker talks to applicant about eligibility)
  - The Food Stamp office does not have to interview on the day application turned-in
    - DCF may ask applicant to come back another day
    - If not notified of the appointment time/day for the interview within two weeks of the date the application is submitted, start complaining
  - The worker will ask lots of questions and get information relevant to household's Food Stamp eligibility
    - If can't get to the Food Stamp office during normal business hours (because of a job, for example), DCF must schedule an interview after-hours
  - If can't get to the DCF office at all (because of sickness, for example), DCF can either waive the interview, interview by phone, or interview at home (called "home visit")
    - Home visits must be preapproved by and prearranged with the applicant
  - If miss first interview, DCF has to give a second one

## ***PROCESSING THE APPLICATION - TIMELINESS***

- Processing the application timely
  - DCF must provide eligible persons food stamps within 30 days of the date they file the application
  - Families who meet the standard for “expedited service” (very low income) have to be provided Food Stamps within 7 calendar days of the application
    - For expedited, DCF must postpone verifying almost all of the factors of eligibility if cannot do so within 7 days
      - To get expedited service, only identity has to be verified
    - Three potential expedited groups
      - less than \$150 monthly gross income
        - \* if liquid assets don’t exceed \$100
      - migrant or seasonal farm worker groups that are “destitute”
        - \* if liquid assets don’t exceed \$100 AND are “destitute”
        - \* two “destitute” examples
          - + the only income for month of application was received prior to date of application from a terminated source OR
          - + only income is from a new source and income of more than \$25 will not be received by the tenth calendar day after date of application
      - combined monthly gross income and liquid assets are less than the household’s monthly rent (mortgage) and utilities

## ***APPLYING FOR FOOD STAMPS - VERIFICATION***

- Food Stamp office can ask to verify:
  - Income
  - Utility bills (to show existence of cooling/heating or mere basic expenses)
  - Social security numbers of all “applicants” in the household
  - Some out-of-pocket medical expenses in excess of \$35
    - Medical and dental care
    - Prescription drugs
    - Some hospitalization and nursing care
    - Dentures, hearing aids, prosthetics
    - Corrective lenses prescribed by a physician or optometrist
    - Health insurance and Medicare premiums
    - Spend-down required in the Medically Needy program
    - Reasonable transportation/lodging to get medical treatment/services
    - Attendant, aide, child care services needed due to age or illness
      - Can also deduct the amount equal to one individual’s coupon allotment if the attendant’s meals are furnished.
    - Companion phone service that is a medical necessity
  - Where applicant lives
  - Identity
  - Family size and composition
  - Receipt of disability benefits, if want the special food stamp program advantages given to people with disabilities
  - Assets
    - Equity value (what it is worth minus what is owed)
  - Immigrant status of those applying for food stamps
  - Other relevant facts that the worker asks applicant to prove

## ***PROCESSING THE APPLICATION - VERIFICATION***

- How Verification is Done
  - collateral contacts (asking someone else, usually though telephone calls)
  - personal contacts (including home visits)
  - computer information and
  - documents and other papers
  
- Documentary evidence
  - papers like rent stubs, utility bills, drivers licenses, etc.
  - is primary source of verification for all information except for the size and composition of the assistance group (who lives there)
    - assistance group primarily verified with collateral contact
    - family gets to have a chance to name the collateral contact
  
- The Food Stamp office can verify some things through computer systems
  
- The Food Stamp office may want to do a home visit when it can't verify something any other way
  - the Food Stamp office must work out a time with applicant before a worker comes out
  
- The family has the primary responsibility for obtaining the verification
  - can be given to DCF in person, through the mail or by an authorized representative
  
  - good idea whenever possible to take verification to DCF in person and get proof from the receptionist or caseworker that it was provided
  
  - **if difficult or impossible for the family to get all of the verification timely, or verification insufficient, the worker is supposed to assist the family in getting it or use a collateral contact or home visit**
  
  - good idea to ask worker (in writing, if possible) to help get any verification that family is not able to get in time despite best effort

## ***PROCESSING THE APPLICATION - VERIFICATION***

- Verification protections
  - The request(s) for verification must be given to applicant in writing
  - Requests should not be rigid, excessive, duplicative, or irrelevant
    - “The case manager will accept any reasonable evidence and will be primarily concerned with how adequately the evidence proves the statements on the application”
    - “Evidence may be supplied in person, through the mail, or through an authorized representative”
  - Assistance with verification must be offered by DCF
- Processing delays
  - Missed interviews
    - Call and ask to reschedule if can not attend
    - DCF must set up another if the first interview missed
    - If miss the second interview, DCF can deny (so reapply)
  - Missing verification
    - Can be denied if refuse to give needed information
      - Distinguish “failure” (inability) from “refusal” to cooperate
    - Can not be denied if information not possible to get
    - Can not be denied if DCF did not offer to help or give 10 days
  - Effect of Fault in Application Delays
    - If DCF at fault, must give stamps retroactive to date of application
    - If applicant at fault, can not get stamps for the month of application
    - If comply within next thirty days, DCF must reopen prior application and give stamps for the month after the application

## Verification Hypothetical

Remember Cara who was forced to quit her job? Well she worked out that Food Stamp problem only to have another one.

Cara was told by her worker that she needs to get her landlord to sign a form saying how much her rent is. But Cara just lost her job and she is behind on her rent. As a result, her landlord won't sign anything for her, even though Cara has asked the landlord to do so. Cara told her worker about the problems she is having getting the verification from the landlord. Cara's worker denied Cara's application anyway, saying Cara failed to bring in the verification.

Can Cara get Food Stamps?

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## Verification Hypothetical - Answer

Cara should be able to get food stamps even though she did not bring in verification of her rent from her landlord because:

- her worker should have helped her get the verification
  - Cara had tried to get the verification but was unable to
  - AND she had told her worker this
  - worker should have offered to help, even though Cara did not specifically ask for help
- applicants can't be denied because third parties refuse to cooperate
  - even with a failure to verify, there is a distinction drawn between refusing to cooperate with verification and being unable to cooperate with verification

## ***PROCESSING THE APPLICATION - THE DECISION***

- Finding out the decision
  - Written notice must tell
    - How much benefits will be each month
      - And on what calculations the amount is based
        - \* how many “eligible” members are in the household
        - \* what DCF thinks the income is
        - \* what DCF thinks the rent is, etc.
    - Start and end date of certification period
    - Reason for denial
    - Fair hearing rights and how to get free legal help

## ***PROCESSING THE APPLICATION - STAYING ON STAMPS***

- Staying on food stamps
  - Certification period = the length of time applicant approved for
    - certification periods can be 12, 6, 3, or 1-2 months
      - for households with earned income, no more than 6 months
    - must re-certify with interview at least once annually
      - can re-apply by fax, mail, phone, or in person
      - face-to-face interview can be at mutually convenient locale
    - DCF must send an NECP notice
    - No break in stamps if re-certify before 15<sup>th</sup> day of last month of the current certification period
  - Reporting changes
    - income
    - child support obligation
    - household composition
    - move to a new address
    - acquisition of excessive resources/assets (including car)
  - DCF must send written notice of decreases/increases in stamps
  - Demands for information during a certification period
    - cooperate with quality control investigation
      - anonymous tip, cross-matched computer information
    - cooperate with requests for verification within 10 days
      - usually asking for verification of reported changes
    - DCF can not shorten cert. period unless verified as necessary
      - but can close case for no response to verification
  - No food stamps if fail to cooperate with child support enforcement
  - Can also become ineligible if fail to meet child support obligations
  - Crimes
    - No food stamps if convicted of drug trafficking felony
    - No stamps if fleeing to avoid felony prosecution, probation

## ***RESOURCES/ASSETS***

- Resources Defined
  - Things applicant owns including cash, bank accounts, tax refunds, stocks and bonds, inheritances, personal injury settlements, house/land applicant does not live in, and vehicles whether operable or licensed or not
  - only equity value counted
  
- Resource Limit
  - \$2000 per household
  - \$3000 per household containing a disabled or 60 year old (or older) member
  - no resource limit for households in which everyone gets TANF or SSI
  
- Included Resources
  - Deemed resources from noncitizens' sponsors
  - Joint/Co-ownership - when people share legal right to dispose of an asset
    - presumption that each owner controls the entire value of the asset
    - this makes the asset available to each owner for disposition
  - To rebut presumption of availability, show
    - access legally restricted
    - source/ownership of joint funds used to establish asset
    - reason for joint title
    - who actually exercised controlled (i.e. made deposits/withdrawals)
    - who benefitted from the asset (what funds were spent on)
    - can't subdivide without consent of uncooperative co-owner(s)
    - cost of selling yields a negative net return
  
- Most common excluded resources (for others, check with LSGMI)
  - house and land applicant lives on
  - personal possessions and household furnishings and goods
  - resources/assets of a household member getting TANF or SSI
  - EITC refund
  - burial plots
  - cash or face value of life insurance or pension fund
  - income-earning property (rented house)
  - tools, livestock, equipment used to earn income
  - Pell grants, work study, student loans

## ***RESOURCES/ASSETS - VEHICLES***

- Licensed Vehicles
  - Exclude licensed vehicles (not counted at all) if
    - vehicle used to transport physically disabled member
    - vehicle used to produce income (delivery truck, taxi, or fishing boat)
      - excluded even if not licensed
    - vehicle used to travel long distances other than commuting (sales)
    - vehicle used to haul water or fuel used for heating shelter
    - vehicle used as a residence
    - vehicle with equity value less than \$1500
      - equity value = NADA trade-in minus amount still owed
      - NADA value rebuttable for a damaged/inoperable car
        - \* need reliable verification of actual value
  - Valuing non-excluded licensed vehicles - the \$8500 disregard as of July 1
    - allows a disregard of the first \$8500 of equity value of vehicle
      - equity value remaining after first \$8500 excluded counts against the general asset/resource limitation (\$2000/3000)
    - special rules for applying the \$8500 disregard to households with more than one vehicle
      - depending upon whether household contains any person subject to the work requirements
      - depending upon whether vehicle used for work, training, education
    - always apply the rules allowing complete exclusion of a vehicle from the resource limitation before applying the \$8500 disregard

## ***RESOURCES/ASSETS***

- Asset Transfer Penalty - Can't Give Away Assets
  - Can be disqualified from food stamps for up to one year
    - if transfer was made to make/keep applicant eligible for food stamps
  - AND
  - if transfer made within the 3 months prior to application, OR
  - if transfer made while getting food stamps
- Will not affect food stamp eligibility
  - if transfer was at or close to fair market value
  - if transfer made for a reason other than to become/stay eligible
  - if transferred item did not affect resource eligibility anyway
    - excluded asset or low value asset
  - if transfer done more than 3 months before food stamp application
  - if transfer was made to someone else in same household

## Resources/Assets - Hypothetical

Bill Wilson lives alone. He is 45 years old. He does not get SSI or TANF. He is not physically disabled. He has a truck with a fair market value of \$20,000. He put \$9000 down on the truck but still owes \$11,000. He does not use this truck on his job and has no other vehicles. Mr. Wilson's only resources are \$50 in his pocket and \$750 in a bank.

Bill wants to apply for food stamps, but is worried about the truck. He calls his cousin Jim Green and offers to sell him the truck cheap. He tells Jim he needs to get rid of the truck to get food stamps. Jim buys the truck for a bag of groceries worth \$100. Mr. Wilson applies for food stamps the next week.

Can Mr. Wilson get food stamps now?

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### Resources/Assets Hypothetical - Answer

He is considered to still own this resource despite the transfer because:

- the only reason he got rid of the truck was to get on food stamps
- truck sold for much less than it was worth
- truck transferred during the 3 month period immediately before he applied
- truck not transferred to someone else in his own household

Because he still owns it, its effect on his eligibility must be further examined.

In examining the eligibility effect, look to see if the truck is excludable altogether

- \* not used to transport the physically disabled
- \* not used to produce income
- \* nor of low value (under \$1500)

Not excludable, so resource value of truck must be considered in determining eligibility

Mr. Wilson can get food stamps now because:

- truck does not (would not have caused him to) exceed asset limit
  - ~subtract \$11,000 from \$20,000 to get equity value of \$9000
  - ~ after excluding \$8500 from \$9000 equity value, \$500 still remains
  - ~ add \$500 car value to other assets of \$750 plus \$50 and you get \$1300
  - ~ \$1300 is \$700 under the asset limit for his non-elderly household

*This hypothetical is adapted from a similar problem published in the Food Research Action Center's FRAC's Guide to the Food Stamp Program 1999 (Tenth Edition).*

## *INCOME*

- What's included in income
  - Income from any source for every member of the food stamp household
    - Earned
      - subject to a 20% disregard
    - Unearned (SSI disability, child support, unemployment comp)
    - Sponsor deeming
  
- Common exclusions from Income (for others, check with LSGMI)
  - Vendor payment: 3d party voluntarily pays a bill for applicant
  - In-kind, non-cash
  - Student (under 18 in school at least half-time) earnings
  - Infrequent: \$30 or less per quarter
  - Private charity contributions: \$300 or less per quarter
  - Some Student Loans: part used for tuition, books, fees
  - All Other Loans
  - Reimbursements for other than normal living expenses
    - i.e. when use car for a work purpose and boss pays back
  - One-time lump sums like TANF diversion, income tax refund, SSI retro
    - may count as a resource, however
  
- When Absence of Income counts as Income Anyway
  - Vendor payment counts when the 3d party legally had to pay anyway
    - third party employer diverts to child support depository part of the paycheck to which applicant legally entitled
    - but vendor payment remains excluded if court orders third party absent parent to pay applicant's child support direct to landlord
  - Withheld SSI or TANF recouplements based on noncompliance with program requirements
  
- Some special income counting rules
  - Self-employed: annual earnings divided by 12 to get monthly average
    - business expenses deductible (including loan pymts on capital assets)
  - Ineligible noncitizens
    - pro rata share attributed to rest of eligible household members
  - Sponsors of noncitizens
    - only for those with signed affidavit of support
    - duration of “deeming” based on type affidavit signed
  - Boarders payments can be offset by cost of providing meals

## *INCOME*

- Income limit
  - Three income limit tests in food stamp budgeting
    - Gross compared to gross maximum allowable
      - Households with at least one elderly/disabled member do not have to meet the gross income test
    - Net compared to net maximum allowable
    - Adjusted net compared to maximum monthly allotment
  - The maximum limits and the monthly allotments adjust every October
    - see chart at FLS web site <http://www.floridalegal.org/welfare1.htm>
- Deductible Expenses (in this order)
  - Work-expense deduction: subtract 20% of gross monthly
  - Standard deduction = \$134 to \$168 depending upon family size
  - Medical: “uninsured” monthly costs of elderly/disabled over \$35
  - Dependent care costs: up to \$175 (\$200 for a child under 2)
  - Child support payments (the support paid out is deductible)
  - Shelter deduction for housing expenses that exceed half adjusted net income
    - but no more than the maximum allowable: \$367
    - however, no limit to shelter deduction for elderly/disabled
    - utility deduction based on standard utility allowance (SUA)
      - SUA allowance is \$194 with heating/cooling, includes phone
      - or basic utility allowance is \$144, includes phone (but no heat/cool)
      - or utility allowance is \$14 for phone with no other utility costs
    - \$143 housing deduction is homeless shelter standard for homeless households which have or expect shelter costs
      - alternatively, homeless persons can verify actual housing expenses to get shelter deduction (as listed above)

## ***OTHERS WHO CAN GET FOOD STAMPS***

- Special Situations
  - Domestic violence shelter residents
    - can apply as a separate household
  - Boarder = those who live with others and pay reasonable amount for meals
    - can not apply as a separate household but can apply with the group
  - Roomer
    - can apply as a separate household
  - Substance abuse center residents
    - can apply separately or as part of the group
  - Hospital patients, jail inmates
    - can not apply if institution provides the meals
  - Strikers
    - can get stamps if were eligible pre-strike, but no extra stamps to replace lost income; if ineligible pre-strike, household can't apply
  - Students age 18 to 50 enrolled at least half time in college
    - can only get stamps if employed 20 hr/wk, on work study, getting TANF, enrolled in FSET, or a parent of a young child
  - Homeless
    - can get food stamps
      - do not need to demonstrate cooking/storage
        - \* can be eating at a shelter or not
      - do not need to demonstrate an address
        - \* can be living in a shelter or not
      - may qualify for processing under expedited rules
      - can not be subject to monthly reporting
  - Migrant workers
    - can get food stamps
      - do not need to demonstrate cooking/storage
      - do not need to demonstrate an address
      - destitute can be considered eligible for expedited processing
      - can not be subject to monthly reporting
      - can get a full months stamps even if apply late so long as got stamps within last 30 days anywhere
  - Limited English Proficient
    - can get food stamps AND assistance in applying
      - In this community, DCF must provide translators and interpreters for Spanish and Creole
      - DCF must have translated application forms, notices, etc.

## ***OTHERS WHO CAN GET FOOD STAMPS - NONCITIZENS***

- Noncitizens = Immigrants = Aliens
  - can get food stamps if eligible under federal law
  - if not eligible, other eligible household members can get stamps
  
- Eligible Non-citizens - Two Groups
  - Group One - the “super-qualified”
    - Refugees within their first 7 years in that status
      - adult victims of human trafficking treated as refugees
    - Asylees within their first 7 years in that status
    - Aliens granted withholding of departure (removal) within their first 7 years in that status
    - Amerasians within their first 7 years in that status
    - Cuban/Haitian Entrants within their first 7 years in that status
    - Veterans and active duty military and their dependents and spouses (including surviving spouses)
    - LPRs with 40 quarters who arrived before 8/22/96 OR LPR with 40 quarters who arrived after 8/22/96 and is beyond the initial 5 yr bar
      - 40 quarters
        - \* is a work history requirement of about 10 years
        - \* requirement only applies to LPRs
        - \* people are credited with quarters by SSA based on their having earned certain threshold amts. set annually by fed. govt. (in 2002: \$870 for 1Q and \$3480 for 4Q)
        - \* people can earn up to 4 quarters per year
        - \* most low income full-time workers earn 4 quarters/yr
        - \* SSA responsible for verifying quarters to DCF
        - \* LPR need not work all 40 Q on his/her own
        - \* LPR can “borrow” quarters from:
          - + from the spouse to whom currently married or from whom widowed, but only the quarters earned during the marriage to the LPR (divorce destroys the ability to borrow quarters between former spouses)
          - + from parents of the LPR but only the quarters the parent earned while the LPR under age 18

## ***DETERMINING QUARTERS***

Take the case of the full-time worker earning \$10 per hour

$\$10/\text{hr} \times 40 \text{ hr}/\text{wk} = \$400$  gross weekly

$\$400 \text{ wk} \times 4.3 \text{ wk}/\text{mo} = \$1720/\text{mo}$ .

\$1720 is more than enough (\$870) to be credited with one quarter of coverage

If the worker works two months and earns \$3440, he is only \$40 short of the 2002 amount needed to earn four quarters of coverage and yet has worked only one-sixth of the year.

Take the case of the full-time worker earning \$5 per hour

$\$5/\text{hr} \times 40 \text{ hr}/\text{wk} = \$200$  gross weekly

$\$200 \text{ wk} \times 4.3 \text{ wk}/\text{mo} = \$860$

\$860 is not enough (\$870) to be credited with one quarter of coverage

However, if the worker works three months and earns \$2580, he earns enough in 2002 to be credited with one quarter of coverage.

In fact, if he works only two months and earns \$1720, he also earns enough in 2002 (\$870) to be credited with one quarter of coverage.

But if he works four months and earns \$3440, he is only \$40 short of the 2002 amount needed to earn four quarters of coverage and yet has worked only one-third of the year.

**Most low income full-time workers earn four quarters per year.**

## ***OTHERS WHO CAN GET FOOD STAMPS - NONCITIZENS***

- Eligible Non-citizens
  - Group Two - the “qualified-plus”
    - Qualified Alien (any kind of “QA”) who was lawfully residing on 8/22/96, “plus” has one of the following additional characteristics:
      - “QA plus” were 65 or older on 8/22/96 OR
      - “QA plus” currently under 18 OR
      - “QA plus” currently receiving disability-related benefits i.e. Medicaid, SSI, SSDI, Dade County assistance paid to those with pending SSA disability applications (but see below expansion to this particular category)
    - As of October 1, 2002, Qualified Alien (any kind of “QA”) “plus”
      - receiving disability benefits regardless of date of entry
    - As of April 1, 2003, Qualified Alien (any kind of “QA”) “plus”
      - residing continuously for 5 years as a QA beginning on date of entry
    - As of October 1, 2003, Qualified Alien (any kind of “QA”) “plus”
      - under 18 years old regardless of date of entry
  - Below are the kinds of Qualified Aliens that exist under law; SO, if they have any “plus” (see above) they are eligible for food stamps
    - LPR
    - refugee
      - adult victims of human trafficking treated as refugees
        - \* ORR must certify them as trafficking victims (8 mo.)
    - asylee
    - aliens granted withholding of deportation (removal)
    - parolees for at least one year
    - aliens granted conditional entry
    - Amerasians (states must treat them as qualified)
    - some battered spouses and children
    - Cuban/Haitian Entrant
      - generally includes Cuban or Haitian nationals who:
        - \* are asylum applicants
        - \* are parolees
        - \* were paroled into the U.S. in 1980 and granted special status as a “Cuban/Haitian Entrant”
        - \* are in removal proceedings but do not have a final, non-appealable, and legally enforceable order of deportation (removal) against them

## Noncitizens - Hypothetical #1

Juan Gomez is a lawful permanent resident. He is married to Esther, who also is a lawful permanent resident. They share their household with their minor child, Lourdes, who is a citizen, and with Juan's elderly father Ramiro, a lawful permanent resident (LPR). They all purchase and prepare their food together. Juan, Esther, and Ramiro all arrived in the U.S. before 8/22/96 in the status of LPR. Ramiro, age 66, came to the U.S. and worked in the United States during his first four years. Upon his arrival, he divorced his wife, Juan's mother. Ramiro's parents, Juan's grandparents, died in Cuba years ago. Grandpa Ramiro became disabled and started getting Medicaid when he turned age 65. Juan has been working the equivalent of 9 years on and off since he married Esther. Esther worked for two years before she was married. After the marriage and during her pregnancy she worked full-time for half of a year. After Lourdes was born, she stopped working.

Aside from Lourdes, the citizen who is clearly eligible, is anyone else in the household eligible for food stamps with the kinds of immigration statuses they possess?

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### Noncitizens Hypothetical #1 - Answer

LPRs who arrived before 8/22/96 can be considered “superqualified” for food stamp eligibility if they have 40 quarters of work history. Alternatively, LPRs who were lawfully present on 8/22/96 and who meet “qualified plus” are eligible for food stamps. The plus means under 18, age 65 on 8/22/96, or getting disability-related benefits. And starting October 1, 2002, April 1, 2003 or October 1, 2003, some LPRs will be eligible under other circumstances (“plus”) regardless of whether they arrived before or after 8/22/96.

LPRs are qualified aliens but Juan and Esther, though LPRs, won't meet any of the “plus” categories until April 2003. Until then they are eligible for food stamps only if each can be credited with 40 quarters of employment. Juan and Esther may borrow from each other's quarters but only the quarters from work earned during their marriage. Juan earned 36 quarters for 9 years of work all of which occurred during the marriage. Esther earned enough in the half year she worked full-time while married to have earned 4 quarters. She also earned 8 quarters in the two years before her marriage, so she has 12 total. Juan can share all 36 of his quarters with Esther and Esther can share 4 of her quarters with Juan. Thus, between the two of them, each has the 40 quarters needed to be eligible for get food stamps on the factor of alien status.

Ramiro earned 16 quarters from work he performed in the U.S. He can not borrow quarters from the wife he divorced nor from his parents who only worked in Cuba when he was under 18. Ramiro also can not borrow from his son Juan. But Ramiro does not need to show 40 quarters. As an LPR, he is eligible for food stamps as a qualified alien “plus” because he is receiving disability-related benefits.

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## Noncitizens - Hypothetical #2

Miriam is a lawful permanent resident (LPR) who emigrated to the U.S. in LPR status from Peru, entering Jan. 2000. A few weeks after her arrival in Miami, she met Carlos, a Cuban who entered as a tourist on August, 22, 1997 and applied for asylum. They married within a year and Miriam just gave birth to their first child, Camille. Miriam has not worked since she became pregnant. Carlos has been working a good construction job since his arrival. He has work authorization as an asylum applicant. Recently, a relative has moved in with the young family. It is Carlos' young cousin Arturo, a Cuban who emigrated as an LPR and entered the country September 22, 1996. The sixteen year old used to live with his grandmother, Elizabeth, but Abuela Elizabeth died a few days after Camille was born. Arturo attends school and does not work. Is anyone in the household with the statuses as described above eligible for food stamps?

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### Noncitizens Hypothetical #2 - Answer

LPRs and Cuban/Haitian Entrants are qualified aliens. But an arrival after 8/22/96, the date of passage of welfare reform ( PRWORA), remains relevant for qualified aliens until all the immigrant-related provisions of the 2002 Farm Bill take effect. That is because most qualified aliens who arrive after 8/22/96 are barred from receipt of any public assistance for the first five years after entry. The exception to this bar/ban is that some special categories of noncitizens including Cuban/Haitian Entrants (i.e. the "superqualified") are eligible for food stamps for 7 years from their date of entry despite arriving after 8/22/96. A new provision creates an additional exception. As of 10/1/02 if the qualified alien is receiving disability-related benefits s/he can get food stamps regardless of their arrival date. Other new provisions take effect in April and October 2003.

As an asylum applicant from Cuba, Carlos has status as a Cuban/Haitian Entrant. As a Cuban/Haitian Entrant he is eligible for food stamps for 7 years from the date he entered. So he is eligible now and remains eligible until at least 2004. Furthermore, in April 2003 Carlos gains an additional way to be eligible for food stamps which does not expire. Cuban/Haitian Entrants are considered qualified aliens. By April 2003 qualified aliens who have resided continuously for 5 years will be able to get food stamps regardless of whether they arrived before or after August 22, 1996. Since Carlos reached 5 years of residence in August 2002, he will gain indefinite eligibility for food stamp effective April 2003.

As an LPR, Miriam is a qualified alien but she would have to continuously reside for 5 years (or be barred for 5 years) before she can get food stamps. She is not eligible now. The earliest Miriam can get benefits is Jan. 2005. Under the new provision which takes effect April 2003, she won't have to accrue 40 quarters.

Arturo, also a qualified alien as an LPR, passed the 5-year mark in Sept. 22, 2001 but the new provision for 5 year residents does not go into effect until April 2003. So Arturo gets no stamps now. Unlike Miriam, he can get stamps in April 2003. There are older provisions in the law which could have helped Arturo, but he does not meet any of them. For example, if he could have been credited with 40 quarters of work history he could get food stamps now and could have received them as early as September 2001. Although he is under 18, Arturo does meet the exception for children because he was not lawfully residing on 8/22/96 (he got here a month later). A new exception for children which ignores the date of entry does not go into effect until October 1, 2003. Finally, although he is a Cuban, Arturo is not a Cuban/Haitian Entrant. Because he emigrated in the status of LPR he is treated less favorably than Carlos who is considered a Cuban/Haitian Entrant. So unlike Carlos, Arturo does not get the benefit of the provision which gives Cuban/Haitian Entrants and refugees food stamps for seven years from date of entry.

Of the three noncitizens, only Carlos is eligible right now for f.s. Citizen Camille is also eligible for f.s. in this mixed household.

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### ***OTHERS WHO CAN GET FOOD STAMPS - NONCITIZENS***

- Verifying immigration status
  - Generally, status documents presented which must be verified through INS
    - some examples of documents
      - Form I-551 (LPR/resident/”green” card)
      - Form I-94 arrival/departure document
      - Passport stamped with status
      - other INS correspondence or documents
    - if non-citizen does not want DCF to contact INS
      - can withdraw application OR
      - household can participate without noncitizen member
  - SAVE automated phone verification is primary means to verify with INS
    - manual secondary SAVE verification with G-845 if necessary
  - Noncitizen benefits can not be denied, delayed, or terminated pending verification results
    - when G-845 manual verification request sent to INS
    - when SSA verification of 40 quarters being investigated/challenged
      - certification of food stamp benefits for 6 months
  - If any document showing eligible status provided
    - document must be accepted and verified through SAVE
    - if SAVE response states “institute secondary verification”
      - benefits may not be withheld pending results
  - If no documents provided
    - no DCF independent obligation to contact INS for verification BUT
    - applicant may ask DCF for help and to contact INS on his/her behalf
  - If expired documents provided
    - SAVE must be performed
    - if SAVE can not verify eligible status, applicant told to contact INS for current documents
  - If only the alien number (“A” number) provided
    - SAVE verification must be performed
    - if SAVE verifies eligible status, no other status verification needed
      - but identify needs to be verified

## ***OTHERS WHO CAN GET FOOD STAMPS - NONCITIZENS***

- Reporting “illegals”
  - DCF can only report when “substantial” evidence of unlawful presence exists
  - Before DCF can determine unlawful presence, individual must provide a formal, non-appealable order of deportation (removal)
  - DCF must not do an unlawful presence determination when
    - noncitizen individual is not applying for benefits for self
      - DCF not permitted to verify status of non-applicants
    - noncitizen individual declines to present documentation
    - SAVE response shows no INS record
    - SAVE response shows ineligible status
    - secondary SAVE verification response shows status expired
  - District 11 DCF office reports quarterly all determinations of unlawful presence by benefits applicants
    - Tallahassee central office forwards relevant reports to INS

## ***BENEFIT AMOUNT ISSUES***

- Mistakes
  - Too many stamps
    - Overpayments (overissuance) must be repaid
      - regardless of whether error due to applicant or DCF
      - regardless of whether error intentional or inadvertent
    - Can be recovered by any means
      - lump sum
      - monthly allotment reduction (recoupment) up to 10% or \$10
      - tax return intercept
      - Social Security (Title II) intercept
    - For intentional fraud, can also be prosecuted in criminal court
      - and be subject to a fine, community service, jail, or all 3
  - Too few stamps
    - Underpayments (underissuance) occur when
      - stamps not adjusted based on reported change(s)
      - calculations for allotment not based on true figures
      - fair hearing decision or court decision orders restoration
    - UP must be restored when brought to DCF's attention
      - can be retroactive but only going back 12 months
- Lost card/stamps
  - Lost/stolen EBT card will be replaced; report within 10 days
    - benefits lost/stolen after card reported gone will be replaced
  - Card not missing but benefits misused by third party
    - Get print-out of transactions; complete affidavit for missing benefits
- Disasters
  - Actual value of food lost due to natural disaster will be replaced
    - can be widespread disaster or personal disaster
  - Report within ten days; verification may be required
  - Up to maximum monthly allotment for family size
  - In large scale disasters, even people not on stamps can get stamps
- Disqualification
  - when overpayment due to intentional fraud
  - when household member voluntarily quits job
  - when household member strikes and household was ineligible pre-strike
  - when assets transferred for less than FMV to make household eligible
  - when non-exempt household head refuses to do work activity without good cause

## *NOTICES, FAIR HEARINGS, AND APPEALS*

- Notice of adverse action
  - Tells action being taken, when, and reason for denial, reduction, termination
    - also tells appeal rights and phone number for getting legal help
    - also tells how to keep getting benefits while appealing
  - If getting stamps, must get notice ten days before action changes benefits
    - ten days begins on the date notice mailed
  - Notice requirements different for “mass change” affecting everyone
- If disagree with action being taken
  - Ask for fair hearing
  - Deadlines to ask for hearing
    - Ninety days from the date of the notice BUT
    - Ten days (to get “aid paid pending” if already getting stamps)
  - Any written or oral expression of disagreement
    - telephone, fax, in person, in writing
    - best to ask in writing and to keep copy of hearing request
  - Informal conference pending hearing date
    - can have hearing later if still don’t agree after agency conference
    - if agree, don’t dismiss hearing request until all corrections occur
    - hearing requests can only be withdrawn in writing
  - Seek legal representation at Legal Services of Greater Miami, Inc. (LSGMI)
    - call 305-576-0080
    - if LSGMI can not represent, ask about hearing rights and procedures
  - If lose hearing
    - have to repay stamps (“wrongly”) received pending hearing outcome
    - can appeal unfavorable hearing decision to District Court of Appeal
  - If win hearing
    - can get back denied, terminated, or reduced stamps and/or start getting the right amount of stamps for now and for future