

DEPARTMENT OF SOCIAL SERVICES

40 NORTH PEARL STREET, ALBANY, NEW YORK 12243-0001



BRIAN J. WING
Acting Commissioner

ADMINISTRATIVE DIRECTIVE

TRANSMITTAL: 97 ADM-5

TO: Commissioners of
Social Services

DIVISION: Temporary
Assistance

DATE: March 11, 1997

SUBJECT: Option to Extend Certification Periods for Certain Non-Citizen
Food Stamp Recipients

**SUGGESTED
DISTRIBUTION:**

Income Maintenance Directors
Food Stamp Directors
WMS Coordinators
CAP Coordinators

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ATTACHMENTS:

Attachment I - Examples - available on-line
Attachment II - CNS Closing and Reduction Notices
Language - available on-line
Attachment III - Extension of Food Stamp Certification
Periods for Non-Citizens Option Form -
available on-line

FILING REFERENCES

Previous ADMs/INPs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
		Sections 387.1, 387.8(b), 387.9(a) (2) and 387.14(a)	PRWORA, P.L.104-193 and Title V of the Omnibus Consolidated Appropriat- ions Act P.L. 104-208		GIS 96 TA/ DC039 97 LCM-21 96 LCM-86

DSS-296KL (REV. 9/89)

I. PURPOSE

The purpose of this release is to advise social services districts of a waiver from the United States Department of Agriculture (USDA) that permits extending the certification periods of certain non-citizen households until August 22, 1997. The Department is extending this waiver to social services districts thereby permitting districts to choose whether to extend certification periods. The certification period extension will provide some non-citizens who are currently receiving food stamps additional time to obtain documentation of alien status.

II. BACKGROUND

The Omnibus Consolidated Appropriations Act signed on September 30, 1996 delayed the implementation of some of the food stamp non-citizen eligibility provisions of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 until April 1, 1997. This delay applies to non-citizens who were receiving benefits on August 22, 1996. Information regarding what qualifies a non-citizen to be eligible for food stamps under PRWORA was sent to local districts in 96 ICM-86 on September 17, 1996.

GIS 96 TA/DC039, "Alien Policy and Food Stamp Recipients" issued October 2, 1996, directed districts to delay the implementation of the non-citizen requirements of PRWORA for recipients. It notified districts that workers must discuss documentation needs with non-citizens at the next recertification. Districts were directed to give a regular certification period to a household that documented at the next recertification that its members are eligible under the new non-citizen provisions. For households which could not document eligibility at that time, districts were directed to give the case a certification period that ends between April 1, 1997 and August 22, 1997.

The processes discussed in this directive apply to those households which were recertified between September 1, 1996 and March 31, 1997 and given new certification periods ending between April 1, and August 22, 1997 because documentation was not provided. They also apply to households with 12 month certification periods expiring after April 1, 1997 that will be recertified for the first time since the passage of PRWORA.

III. PROGRAM IMPLICATIONS

Extending a certification period means that when a household's certification period is scheduled to end, the district does not conduct the required recertification interview. Instead, the ending certification date is changed in WMS to a future date. The household then has a recertification interview at the end of the new

certification period. This process can be used only when USDA gives specific authority to do so. It cannot be used in the on-going operation of the Food Stamp program. This waiver is being extended to social services districts on an optional basis in order to provide maximum local administrative flexibility.

The purpose of the federal waiver is to give certain non-citizens as much time as possible to secure the required documentation of their alien status. Certification periods are extended even when it appears questionable that the non-citizen will be able to obtain documentation of eligible alien status.

The rationale of this waiver is as follows: The non-citizen provisions must be applied at the next full eligibility review. A recertification is a full eligibility review extending the current certification period delays the full eligibility review. USDA has the authority under federal law to permit states to extend certification periods in certain circumstances, thereby delaying the use of the non-citizen eligibility criteria for cases which receive an extension.

USDA does not have the authority under federal law to permit states to delay implementation of the non-citizen provisions once a full eligibility review is conducted. Therefore, local districts are prohibited from establishing a list of ineligible non-citizens previously recertified and doing a mass closing on August 22, 1997.

The directions in this release apply to both Public Assistance Food Stamp (PA/FS) households and Non-Public Assistance Food Stamp (NPA/FS) households.

IV. REQUIRED ACTION

Extending the Certification Period

Federal law specifies that August 22, 1997 is the final date on which non-citizens unable to provide sufficient documentation can be eligible to receive food stamps. New York State certification periods, however, end on the last day of the month. Notice effective dates are expressed as being the first of the month following the month in which ineligibility is determined. These are acceptable administrative processes that do not negate the fact that eligibility actually terminates on August 22, 1997. This directive uses August 31, 1997 in some instances to indicate the end of the certification period for these households.

If the district chooses to implement the waiver, certification periods must be extended as follows:

- o extend the certification period of a food stamp household in which adult members are elderly or disabled (elderly/disabled household) so that the original certification period plus the extension totals no more than 24 months; and

- o extend the certification period of a non-elderly/disabled household with a current certification period of less than 12 months so that the original certification period plus the extension totals no more than 12 months. This includes quarterly reporting households that have 6 month certification periods.
- o certification periods of non-elderly disabled households which are currently 12 months cannot be extended.

Districts may choose to extend a certification period for any length of time between May 1, 1997 and August 31, 1997. For example, a household with a certification period ending April 30, 1997 could be extended for one month to May 31, for the maximum length to August 31, or for any period length in between.

However, under no circumstances may certification periods be extended beyond August, 1997.

Districts choosing to implement this waiver must establish standards regarding how the extension will be applied to cases in the social services district. These standards and processes must be applied equally to all non-citizen cases in the district. For example, the local district opts to extend for two extra months cases with certification periods ending April 30. All non-citizens in that district who qualify for the extension and whose certification periods end April 30 must be given the same additional two months, if they cannot provide the documentation.

Districts may establish standards that vary from month-to-month in order to facilitate orderly administrative processes. For example, cases expiring at the end of April could be given a two month extension. Cases expiring at the end of May could be given a one month extension. The new, extended ending date for both cases is June 30, 1997. Given the rationale for the extension, districts are encouraged to extend periods as long as possible, while still maintaining a timely and accurate recertification process for all households.

Since food stamps are issued to households based on the circumstances on the first day of the month, non-citizen households whose eligibility will terminate on August 22, 1997 are entitled to the full amount of their August benefit.

Local District Certification Period Extension Process

The local district process usually used to schedule recertifications and the type of actions a specific local district has taken since October, 1996 when working with non-citizens will affect the way the district chooses to review cases to determine if they qualify for an extension.

In some situations, the agency will not be able to identify a non-citizen household until the household comes into the agency for a recertification interview. The agency should determine if the

household has sufficient documentation at that time. If the household can document non-citizen eligibility requirements, the case is recertified with a regular certification period. The extension process is not used for the case.

If the household does not have documentation and the household qualifies for an extension, the household must be informed that a recertification is not going to be conducted. The household must be informed of the new certification period end date. The household also must be told what documentation they will need at the future recertification interview.

In some instances, the agency already will have sufficient information that the household is a non-citizen household before the household comes in for a recertification interview. The certification period may be extended for these cases without seeing the household in person. Households extended this way also must be informed about their new certification end date and told what documentation they will need at the recertification interview.

When deciding to extend without talking to the household, the district must consider that they may be extending a household which might be able to provide documentation. This may unnecessarily increase the number of recertifications delayed to a later date.

The district may choose to use both processes described above, tailoring the process used to the circumstances of the case.

SSI households which are recertified by mail continue to be recertified by mail under this extension process. These households must also be told their new, extended certification date and what documentation they must submit at recertification.

Districts that choose to extend certification periods must develop a local form to notify households that their certification period is being extended, the new certification end date, and what documentation will be required at recertification. Extension of the certification period is not an eligibility action. Therefore, this notice does not present a hearable issue for Fair Hearings purposes and should not advise recipients of their Fair Hearing rights. A section in this directive called "Desk Review" discusses what client notice is required if a change in eligibility for a reason other than citizenship is found at this time.

When a household's certification period is extended, a notation must be made in the case record or in some location that can be linked back to the case, such as on a recertification call-in list. The notation must indicate that the recertification was not held and the case's certification ending date was extended.

Attachment I gives some case examples of extending certification periods.

Desk Reviews

A desk review is an assessment of eligibility that is done during a household's certification period, not during a recertification interview at the end of a certification period. If eligibility changes are made to a case during a desk review, the household must receive timely and adequate notice of change or closing.

When a certification period is extended for a non-citizen household, the district may opt to conduct a desk review of the other eligibility factors of the case. This may be done face-to-face if the district has chosen to have the household come into the agency. It may be done by mail if the district has chosen not to call the household into the agency prior to granting the extension or if the household is an SSI household which usually recertifies by mail.

A desk review should be done if the district feels the case is likely to contain eligibility errors. The waiver permitting extended certification periods only exempts the non-citizenship eligibility from being reviewed in the quality control process. Errors in other areas of eligibility will be included in the quality control error rate. Districts should review quarterly reporting cases carefully to determine if they should have a desk review in order to make sure the quarterly budget continues to be accurate.

The decision to do a desk review can be made on a case-by-case basis. The local district is in the best position to determine, based on case characteristics and local case processing requirements, which cases should have desk reviews.

Non-citizen households determined ineligible for food stamps for reasons other than citizenship status must have their cases closed.

The standard certification guide may be used to document the changes found during a desk review. The guide must be clearly re-labeled as a food stamp desk review. When conducting a PA recertification along with a food stamp desk review, the worker must cross out "Food Stamps" on the guide and write in "Food Stamp Desk Review".

Households at the Maximum Certification Period

The processes described in this release for extending the certification period and for doing desk reviews can only be used for households which have not reached their maximum recertification period. If a household has reached its maximum recertification period, it must provide acceptable documentation during the regular recertification interview held after April 1, 1997. If documentation cannot be provided, the food stamp case must be closed.

Documentation of Non-Citizen Status

Instructions for what constitutes documentation of eligible non-citizen status can be found in 96 LCM-86. An ADM will be issued giving additional information about the non-citizen eligibility provisions of PRWORA and about additional ways to verify eligibility.

Households With Both Citizens and Non-Citizens

In districts choosing to use the waiver, the certification period of cases containing both citizens and non-citizens must be extended if the non-citizens cannot document eligibility status. Usually in these households, the case will not be closed if the non-citizen fails to provide documentation at the end of the extension period. The non-citizen must be removed from the food stamp household and the amount of benefits recalculated based on the new household composition.

Informing This Department

All local districts must notify this Department by March 21, 1997 whether or not they will implement the waiver. The notification must be completed and returned electronically.

Districts which initially opt not to take the waiver may choose to implement the waiver at a later date. However, benefits cannot be restored to a household which loses benefits during a month in which a district does not use the waiver. For example, if a district does not opt in for April but then decides to implement for May cases, households closed in April are not entitled to restored benefits. A district must inform their Regional Team in the Division of Temporary Assistance before they opt into the waiver after the initial March 21, 1997 form is filed.

Attachment III is a copy of the form to notify this Department of the intention to implement/not implement the waiver. Please return the form electronically. Instructions for returning the form are included on the form.

Notice Language

CNS language for closing or reduction notices is shown in Attachment II.

V. SYSTEMS INSTRUCTIONS

Upstate WMS

There is no special WMS process for extending certification periods. The usual coding and standards used to indicate a recertification has been done are used. The manual notation in the case record or on another locally specified document is the indication for audit and quality control purposes regarding what case action was taken.

For Non-Public Assistance Food Stamp (NPA/FS) cases outside of New York City that are extended, use recertification Transaction 06 and enter the new TO and FROM dates. The TO date must be the certification extension date determined by the local district.

Also, complete the RECERT DATE field with a date equal to "today's date or earlier".

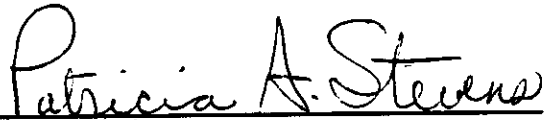
For Public Assistance Food Stamp cases, enter the normal certification period based on case circumstances and local district procedures for the PA part of the case. Enter the FS period the same as for NPA/FS cases described above. A WMS report listing such cases will be issued in June to local districts to remind workers to complete a FS recertification.

NYC WMS

HRA and NYS WMS staff will jointly develop systems procedures for New York City which will support the requirements discussed in this directive, if New York City decides to implement this waiver.

VI. EFFECTIVE DATE

This Administrative Directive is effective March 11, 1997.



Patricia A. Stevens
Deputy Commissioner
Division of Temporary Assistance