The Gap Between Food Stamp Eligibility and Food Stamp Use

by Linda Ostreicher
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After the blackout of August 2003, health officials urged people to avoid eating spoiled food, issuing an advisory with the slogan, “If in doubt, throw it out.” People who could not afford to replace discarded food faced a difficult choice: go hungry or risk getting sick.

The federal food stamp program allows recipients to apply for replacement benefits after emergencies such as long power outages, and offers one-time emergency assistance to low-income people who do not qualify for food stamps. But this was not announced until August 18, four days after the blackout had begun. The city’s health department reported an increase in emergency room visits due to diarrhea on August 16.

To get replacement food stamp benefits, recipients had to report their food loss to the city’s Human Resource Administration by August 27, and fill out a two-page form to be received by the administration by September 8. Forms were available from the agency’s 40-plus job centers, as well as from some community-based organizations.

People who were not receiving food stamps, but had income below twice the poverty level, could get a cash payment to replace spoiled food. They had to go to a food stamp office by August 27 with proof of their income, family size, and residence in New York City. They were also required to return a completed application form to the Human Resources Administration by September 8.

Other Areas Affected by the Blackout Made It Easier to Apply for Food Assistance

Some counties in Michigan and New Jersey obtained permission from the federal government to simplify the process of getting food stamp replacements to people affected by the August 14 blackout. These counties automatically issued replacement benefits—about half of a month’s food stamp allotment—to all food stamp recipients, avoiding the need for individuals to apply for replacement benefits. According to Vicky Robinson of the United States Department of Agriculture, New York City and State did not request such permission. Connecticut allowed people to leave a telephone message for welfare workers instead of going into the office to report their loss. In Ohio’s Cuyahoga County, welfare offices were open late to allow people to submit applications after working hours.

There were 877,868 New York City residents receiving food stamp benefits in July 2003, a

rise of seven percent over the previous July. By September 22, the Human Resource Administration estimated that it had processed 92,000 applications for replacement food stamp benefits, all of which were approved, resulting in grants of about $12 million. Additional applications were still being processed at that point.

In at least one instance, the Administration actively sought help from nonprofit organizations in reaching people who were not applying for food replacement assistance. Asian Americans for Equality was contacted by a Chinatown food stamp office on August 23, three days before the deadline for notifying the city about loss of food purchased with food stamp benefits, because few Asians had applied for replacement benefits. The organization told Asian community newspapers about this, and the newspapers ran a story the following day, bringing hundreds of applicants to Asian Americans for Equality's offices that morning. The agency helped 4,000 food stamp recipients to fill out and submit applications by August 27.

Public Awareness of Food Assistance Options Is Low

The post-blackout food stamp replacement experience is an extreme example of the gap between resources available to those in need and their ability to learn whether and how they can receive them. Between August 13 and August 22, the Food Bank for New York City surveyed local adults about their need for food assistance. The survey found that the majority of city residents do not know they can get free food from Food Bank's 1,100 neighborhood soup kitchens and food pantries.

Nationwide, the majority of clients of soup kitchens who report incomes low enough to qualify for food stamps are not getting them, often because they don't know they are eligible. For the same reason, nearly half of the eligible families who are soup kitchen clients do not receive food benefits especially meant for babies, young children and their mothers; and children in one in five such families do not receive free school lunch. In New York City, all children are now offered free breakfast on school days.

Refunds May Be Returned to Recipients Paying Back Food Stamp Debts

Once a person begins to receive food stamp assistance, he or she is responsible for returning extra benefits paid out by mistake, regardless of whether the mistake was caused by fraud

on the part of the recipient, by an inadvertent error in the recipient's claim statement, or by government error. Since 1996, federal law requires states to take strong action to get back food stamp overpayments. New York State stopped this process in 2000, because of a class action suit on behalf of food stamp recipients that was filed by the New York Legal Assistance Group and the Greater Upstate Law Project.

The legal advocates acknowledged the state's right to intercept income tax refunds to pay off food stamp debts, but argued that New York had done so improperly. The lawsuit claimed that people were not adequately notified that their refunds would be taken, and not given a chance to appeal the decision to do so. The lawyers also argued that there were errors in deciding whether people actually received overpayments, and that some overpayments happened so long ago that they no longer must be repaid.

On September 5, 2003, the court accepted a settlement under which the state can resume taking back overpayments, but must follow new procedures. The 4,000 New Yorkers whose refunds were taken will either receive checks automatically for the seized refunds, or will be notified that they can argue their case at a fair hearing. The average refund seized was about $550.

Linda Ostreicher, a former budget analyst for the New York City Council, is a freelance writer and consultant to nonprofits. She is currently on the staff of Bronx Independent Living Services.