



## **Food Stamps (now called Supplemental Nutrition Assistance Program)**

### **Benefits Authorized by Law**

Food Stamps are available to low-income individuals, based on national standards regarding income and resources. To be eligible:

- Gross income must not exceed 130% of the federal poverty guidelines;
- Net income may not exceed 100% of the federal poverty guidelines; and
- Resources must not exceed \$2,000 per household (unless a household member is 60 years old or more, in which case resources can be up to \$3,000).
- Food Stamp recipients must meet TANF work requirements:
  - Individuals without a disability must register for work in order to receive food stamps (using a definition of disability which is not as stringent as the federal SSI definition);
  - Work requirements do not apply to custodial parents of a child under age 6; and
  - Individuals who refuse suitable work are not eligible for Food Stamps for 2 months.

Food Stamps cannot be denied due to the fact that an individual has no permanent address, and states must assist those without a permanent dwelling or fixed address in obtaining their regular monthly benefits.

- To apply, an individual files an application and is interviewed by a Food Stamp caseworker who must verify certain information.
- Applications are obtained at the Food Stamp office or can be requested by phone. The completed form can be mailed or submitted in person through an appropriate representative.
- Applicants must appear for a face-to-face interview. The state agency conducts this interview at the Food Stamp office. If the applicant cannot go to the office, the agency has the option to conduct the interview by phone or at the applicant's home.
- The state agency is required to process and deliver Food Stamps to eligible households as quickly as possible after the application is filed, and processing time may not exceed 30 days.
- Homeless individuals may use Food Stamps to purchase prepared food from authorized shelters, soup kitchens and restaurants serving low or reduced price meals.

## **Impact of Criminal Justice Contacts on Receipt of Benefits**

Under federal law:

- No one can receive food stamps while in jail.
- Unless states modify this provision, federal law bans access to Food Stamps for life for persons convicted of a drug felony (the same rules apply to TANF assistance).

## **Reinstatement of Benefits**

- Individuals may file an application for Food Stamps while in jail or prison in anticipation of release.
- Benefits for those who apply while incarcerated are effective with the release date, but are not necessarily available. It may take up to 30 days to obtain the Food Stamps.
- Federal funds are available (with 50-50 match) for provision of outreach services. These funds could be used to provide information on Food Stamp program to inmates so they can apply while in jail or prison.
- Federal law requires that any individual who applies for SSI through the Social Security Administration's (SSA) pre-release program must be allowed to apply for Food Stamps jointly with their SSI application. Individuals applying through the pre-release program do not have to register for work until SSA has decided upon their SSI application (and need not register at all if found eligible for SSI).

States have the flexibility to opt out or modify the federal ban on the provision of TANF assistance and Food Stamps to persons with drug felony convictions.

- Eight states and the District of Columbia opt out of this provision completely: Connecticut, District of Columbia, Michigan, New Hampshire, New York, Ohio, Oklahoma, Oregon and Vermont.
- Another 18 states have narrowed the scope of the ban with the most common modification being to exempt individuals who have completed treatment, are in treatment or on a waiting list for treatment. States that have modified the ban are: Arkansas, Colorado, Florida, Hawaii, Illinois, Iowa, Louisiana, Maryland, Minnesota, Nevada, New Jersey, North Carolina, Rhode Island, South Carolina, Texas, Utah Washington and Wisconsin.
- 24 states have left the federal law in place, banning access to cash assistance and to service programs for those with drug felony convictions regardless of their current behavior or need. These states are: Alabama, Alaska, Arizona, California, Delaware, Georgia, Idaho, Indiana, Kansas, Kentucky, Maine, Massachusetts, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Pennsylvania, South Dakota, Tennessee, Virginia, West Virginia, Wyoming.

States can also adopt other policies that assist those with drug felony convictions.

- Short-term, non-recurrent benefits (up to four months) do not count as TANF assistance under federal regulations and can be paid to those with drug felonies to help with re-entry.
- Benefits can be provided to those with drug felonies through a separate state program and the state can count these expenditures towards its TANF maintenance of effort requirement (provided the individual is a member of an eligible family).