

BENEFIT UPDATE

November 2008

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COMMUNITY RESOURCES

Community Service Society: The Unheard Third Report

The Community Service Society’s annual Unheard Third survey provides a window into the issues that are most challenging to low-income New Yorkers; namely, jobs and the economy, which also tops the federal policy agenda. This year’s survey reflects the increasing struggles of low-income New Yorkers and reveals that work does not provide economic or food security for this population.

The 1st release of the 2008 survey, subtitled, “*Economic Insecurity and Federal Priorities*,” is a call to the presidential candidates and a call to New York’s federal, state and local elected officials to create a policy agenda which includes the concerns of low-income New Yorkers. The Unheard Third gauges their sentiments on a variety of public policy interventions. It is the only annual survey of its kind that measures the thoughts of this population in a major American city.

[Click here](#) for the report.

New York Reentry Roundtable

The New York Reentry Roundtable is a unique convening of various community –based stakeholders representing direct service providers, government agencies, community activist, organizers, and the formerly incarcerated. Each month, subject-matter experts are invited to lead discussions on current and relevant topics in the reentry field ranging on issues from pending legislation and policy implications, fiscal allocations, as well as housing and employment needs of the formerly incarcerated, to name a few.

A sampling of guest speakers over the past six months includes the following people: Lynn Goodman, Statewide Director of Reentry Services, “*Working together with Reentry Advocates*”,

Glenn Martin, Vice President of Policy and Advocacy, The Fortune Society, “*The Importance of Effectively Advocating on behalf of the Formerly Incarcerated,*” and Hon. Robert Doar, Commissioner, Human Resources Administration, City of New York, Department of Social services, “*Perspectives on Reentry : Responding to the needs of New York’s Formerly Incarcerated*”.

For more information on the New York Reentry Roundtable and a list of the monthly meetings, contact Gabriel Torres Rivera, Director of Reentry Initiatives, at 212-614-5306 or via email at grivera@cssny.org.

Food Stamp Changes Effective October 1, 2008

There have been several changes to the Food Stamp (FS) program which will make many more people eligible for FS benefits. The first change came as the Federal government announced that the Food Stamp program will now be called the Supplemental Nutritional Assistance Program or SNAP. However, for now, New York State will continue to use the name Food Stamps.

- ***No Cap on Child Care/ Dependent Care Costs***

Beginning October 1, 2008, there is no longer a cost cap on child care/ dependent care deductions. In the past when the FS benefits were calculated families were allowed to take up to a maximum of \$200 as a deduction in expenses for children age 2 and under or up to a maximum of \$175 for children over 2, regardless of the actual cost to the family. This cap has been lifted thus allowing families to take the actual cost of their child care/ dependent care expenses as a deduction which may lead to families being eligible for FS or seeing a significant increase in their FS benefits.

- ***Home Energy Assistance Program (HEAP) Changes***

Beginning October 1, 2008, a change in the HEAP program will impact households who live in publically subsidized housing. HEAP will grant \$1.00 in HEAP benefits to households who live in subsidized housing (public housing, Section 8 residents in group homes (for blind or disabled), drug/alcohol treatment facilities and other supportive/ supervised housing settings. In the past these households were not entitled to HEAP benefits, but by expanding HEAP eligibility to these households, they will likely be entitled to a higher FS benefit. This is because households who qualify for HEAP benefits qualify for the highest Standard Utility Allowance (SUA) deduction, Level 1,. Using the highest SUA level in the calculation of FS benefits can significantly increase a household FS benefits.

- ***Other Changes in the Food Stamp Program Are as Follows:***

- An increase in the standard deduction for household size. In addition household sizes 1-3 will now increase annually for inflation. Household sizes 4 and over are already adjusted for inflation.

Household Size	Standard Deduction
1 - 3	\$144
4	\$147
5	\$172
6 and over	\$197

- Maximum Excess Shelter Deduction for non-elderly/disabled households: \$446
- Boarder/Lodger Exclusion: \$176 for one or \$323 for two

For the new income guidelines and benefit amounts see our Eligibility Charts on the [Benefit Tools](#) page. Also check out our online [Food Stamp calculator](#).

Annual NYSNIP Changes

The New York State Nutrition Improvement Project (NYSNIP), which provides a standardized amount of food stamps to all SSI live-alone singles in NYS, has updated their guidelines for October 1, 2008 through September 30, 2009. The standardized benefit depends on whether the individual has high or low shelter costs, , and whether the individual has other sources of income in addition to SSI. High shelter cost is defined as rent of more than \$217 per month and low shelter cost is less than \$217 per month. To view the standardized amount, see our Eligibility Charts on the [Benefit Tools](#) page. Note: If NYSNIP does not have information regarding shelter costs the household will receive the minimum NYSNIP benefit. However, they will be given the opportunity to notify the State of their shelter expenses and receive an increase in FS benefits.

New NYCHA Section 8 Payment Standards & Utility Allowances Effective 10/1/08

Effective October 1, 2008, new NYCHA Section 8 renters and new transfers have the following payment standards:

Payment Standards for New Section 8 Rentals & Transfers 110% of October 2008 Fair Market Rent	
Number of Bedrooms	With Gas & Electric
0	\$1,200
1	\$1,298
2	\$1,444
3	\$1,777
4	\$1,999

The payment standards for current NYCHA Section 8 tenants are:

Payment Standards for Current Section 8 Tenants 110% of October 2007 Fair Market Rate	
Number of Bedrooms	With Gas & Electric
0	\$1,205
1	\$1,304
2	\$1,450
3	\$1,783
4	\$2,005

Background:

The U.S. Department of Housing and Urban Development (HUD) requires housing agencies to set a payment standard between 90% and 110% of the Fair Market Rent (FMR). HUD determines this FMR annually. As a result of the annual change the payment standards are adjusted accordingly. The New City Housing Authority has used 100% of the FMR to set their payment standard.

Effective October 1, 2008, the FMR has decreased from the 2007 FMR ([click here](#) for full report) Therefore, as a result of this year's FMR decrease, the New York City Housing Authority has issued a directive which increases the payment standard for Section 8 apartments from 100% of FMR to 110% of FMR.

Maintaining the payment standard at 100% of FMR would have had the effect of lowering the subsidy paid to all current NYCHA Section 8 recipients and of requiring new recipients to find apartments which rent for less than they rented for a year ago.

HUD regulations require housing agencies to defer the use of the lower payment standard until the second annual review, for current renters only, following the effective date of the decrease in the FMR. Therefore, current Section 8 tenants will have the payment standard increased to 110% of the 10/1/07 FMR. All new rentals and transfers will have the payment standard set at 110% of the 10/1/08 FMR.

EPIC Update

Starting October 1, 2008, EPIC, the NYS senior prescription drug plan, will implement two changes in an attempt to lower the cost of drugs. EPIC now requires that new prescriptions for brand name drugs be filled with a generic drug, if available. If a generic brand is used, the EPIC co-payment will often be lower than if a brand name drug was used. EPIC will cover a brand name drug but only if the physician is unwilling to prescribe the generic version. The pharmacist must request a prior authorization in this situation. This mandatory generic policy will only apply to new prescriptions; it does not apply to refills.

If the participant is enrolled in a Medicare Part D plan or other drug plan, EPIC will cover the brand name drug, if it is covered by the participant's Medicare Part D or other drug plan. When a participant's Part D or other drug coverage does not cover a drug, EPIC will have the pharmacist check with the individual's doctor to see if a different drug or a generic covered by the plan can be prescribed. If the prescriber determines there is no drug alternative or generic available, EPIC will cover the prescription. . If EPIC participants have questions, they can call the EPIC Helpline at 1-800-332-3742.

SSI Extension for Refugees Signed Into Law

Beginning October 1, 2008 a new law went into effect allowing humanitarian immigrants an extension in their Supplemental Security Income (SSI) benefits. (Prior to this time SSI benefits for refugees and certain other humanitarian immigrants (asylees, persons granted withholding of deportation or removal, Cuban and Haitian Entrants, Amerasians, and victims of trafficking in persons) have been eligible to receive SSI benefits for a seven-year period of time from when they were first granted their status into the U.S. After the 7 years their benefits were discontinued and they were switched to NYS' Cash Assistance program.

Under this new law, the SSI Extension for the Elderly and Disabled Refugee Act, the time period will be extended an additional 2 years for a total of 9 years (this provision will sunset in 2011). In addition the new law provides a third year of benefits for humanitarian immigrants who have a naturalization application pending at the end of the two-year extension.

Advocates should urge immigrants affected by the new law to contact the Social Security Administration (SSA) by visiting their local office or by calling 1-800-772-1213. Persons who lost SSI within the last 12 months should have their benefits reinstated the following month. Those who lost SSI more than 12 months ago and who are 65 or older should also receive expedited receipt of monthly benefits.

Increase in the Child Support Pass-Through

Recipients of Cash Assistance (formerly Public Assistance) who receive child support collect what is called a "pass-through" amount in their Cash Assistance grant. When child support money is collected from the non-custodial parent, an extra \$50 is "passed-through" to the receiving household, thus increasing the household grant by \$50. Households receive the extra \$50 each month support orders are collected.

Effective October 1, 2008, this pass-through amount has increased from \$50 up to \$100. In addition beginning January 1, 2010, the pass-through will remain at \$100 support collected on behalf of one child but will be increased to \$200 for (timely paid) support payments for two or more children.

Extended Unemployment Compensation (EUC)

Unemployed workers who have exhausted their initial Unemployment Insurance (UI) benefits may be eligible for up to 13 weeks of extended federal benefits. To be eligible an initial claim must have been filed on or after May 1, 2006, individuals must continue to be unemployed through no fault of their own, meet basic state eligibility requirements such as being ready, willing and able to work and have no rights to regular or extended compensation under any other state or Federal law.

The weekly benefit amount of extended benefits is the same amount the individual received for regular unemployment benefits. New claims can be filed for extended benefits through the week ending March 29, 2009. No extended benefits can be paid for any week that begins after July 5, 2009. No extended benefits can be paid for any week in which partial regular UI has been paid. The program will remain in effect for workers exhausting their state benefits through March 2009.

Claimants whose benefit year has not yet expired and who have exhausted their 26 weeks of regular benefits, may apply for the extended benefits by logging in on the UIB's Benefits Online Page at <https://ui.labor.state.ny.us/UBC/home.do> or by calling Tel-Service at 1-888-581-5812 (1-888-864-9920 if you live outside of New York State) and selecting the option to "Claim Weekly Benefits".

Claimants whose benefit year has passed will need to file a new claim by calling the Telephone Claims Center at 1-888-209-8124 (1-877-358-5306 if you live outside of New York State).

Child Health Plus Income Guidelines Increase

New York State has expanded the income guidelines of the Child Health Plus B (CHP B) program to include families making up to 400% of the federal poverty level. Beginning September 1, 2008 the income guideline for a family of 4 at 400% FPL is \$7,067 per month. Depending on the household's income, and

family size, there may or may not be a premium for health coverage under CHP B. See our Eligibility Charts on the [Benefit Tools](#) page for the new guidelines.

Child Health Plus B is a Federal and New York State subsidized health insurance program that offers free or low cost health insurance to uninsured children from birth to age 19 who are not eligible for Medicaid, including undocumented immigrant children. Recipients of CHP B access care through a managed care plan. For more information call the Child Health Plus Hotline (800) 698-4543.

FHPlus – Prescription Drug Coverage Is Carved Out

Beginning October 1, 2008 prescription drugs benefits will be carved out of the FHPlus benefit and will be provided through Medicaid and subject to all Medicaid program regulations. FHPlus recipients must use the NYS Common Benefit Identification Card (CBIC) to obtain their prescriptions. All FHPlus recipients should receive a CBIC card upon enrollment into FHPlus, if they do not already have one. FHPlus enrollees who currently receive food stamps were not mailed a new card but their existing CBIC card should have been activated October 1st for both food stamps and prescriptions.

Urban Justice Center’s Mental Health Project Files National Class Action Lawsuit Against the Social Security Administration

On October 15, 2008, Urban Justice Center’s Mental Health Project (MHP) teamed up with groups across the country to file *Martinez v. Astrue*, a national class action lawsuit against the Social Security Administration (SSA) for revoking the retirement and disability benefits of over 100,000 poor, elderly and disabled Americans under its “Fugitive Felon Program”. The effort is led by the National Senior Citizens Law Center and the pro bono counsel of Munger, Tolles & Olson, and includes Disability Rights California and the Legal Aid Society of San Mateo County.

Under a 1996 law, SSA must suspend the benefits of people who are "fleeing to avoid prosecution" for a felony. The law was enacted to prevent wanted fugitives from receiving benefits. Thousands of elderly and disabled Americans who are not wanted fugitives,, and, who may have been completely misidentified, have been caught up in a computer dragnet SSA used to implement the law.

For example, Rosa Martinez, a 52- year-old former nurse from Redwood City, CA, received a notice from the SSA last December that she was losing her only source of income — her disability benefits — because of a 1980 arrest warrant for a drug offense in Miami, Florida. Ms. Martinez, however, had never been to Miami, never been arrested and had never used illegal drugs. Nevertheless, SSA has refused to reinstate Ms. Martinez' \$870 per month disability check.

SSA's "Fugitive Felon Program" has been found illegal in many federal cases. Indeed, due to *Fowlkes v. Adamec*, a case decided by the Second Circuit Court of Appeals, SSA had to suspend much of the program in New York, Connecticut, and Vermont. Nonetheless, SSA has continued to cut the benefits of thousands of elderly and disabled Americans.

If you have a client who has lost benefits under the Fugitive Felon Program contact the Urban Justice Center at <http://www.urbanjustice.org/ujc/projects/mental.html>

COMMUNITY RESOURCES

A Guide for Helping Formerly Incarcerated Enter the Workforce

Going to Work with a Criminal Record: Lessons from the Fathers at Work Initiative is a guide for working with formerly incarcerated individuals who are entering the workforce. This publication is from Public/Private Ventures (PPV), a national nonprofit organization seeking to improve the effectiveness of social policies and programs.

Introduction link:

http://www.ppv.org/ppv/publications/publications_description.asp?search_id=5&publication_id=238

Publication link: http://www.ppv.org/ppv/publications/assets/238_publication.pdf